

HOUSE BILL NO. 95

INTRODUCED BY G. PIERSON

BY REQUEST OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING LIMITATIONS ON THE ESTABLISHMENT OF CHEMICAL DEPENDENCY TREATMENT FACILITIES AND PROGRAMS; AMENDING SECTIONS 53-24-204 AND 53-24-208, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 53-24-204, MCA, is amended to read:

**"53-24-204. Powers and duties of department.** (1) To carry out this chapter, the department may:

- (a) accept gifts, grants, and donations of money and property from public and private sources;
- (b) enter into contracts; and
- (c) acquire and dispose of property.

(2) The department shall:

- (a) approve treatment facilities as provided for in 53-24-208;
- (b) prepare a comprehensive long-term state chemical dependency plan every 4 years and update this plan each biennium;
- (c) provide for and conduct statewide service system evaluations;
- (d) distribute state and federal funds to the counties for approved treatment programs in accordance with the provisions of 53-24-108 and 53-24-206;
- (e) plan in conjunction with approved programs and provide for training of program personnel delivering services to persons with a chemical dependency;
- (f) establish criteria to be used for the development of new programs;
- (g) ~~encourage~~ PROVIDE planning for the ~~greatest optimal~~ use of funds by ~~discouraging duplication of services, encouraging~~ INCREASING efficiency of services through existing programs, ensuring existing needs are met, and encouraging rural counties to form multicounty districts or contract with urban programs for services;
- (h) cooperate with the board of pardons and parole in establishing and conducting programs to provide treatment for intoxicated persons and persons with a chemical dependency in or on parole from penal institutions;

1 (i) establish standards for chemical dependency educational courses provided by state-approved  
2 treatment programs and approve or disapprove the courses; ~~and~~

3 (J) HOLD ALL STATE-APPROVED FACILITIES, PROGRAMS, AND PROVIDERS TO UNIFORM STANDARDS AS  
4 ESTABLISHED BY THE DEPARTMENT BY RULE; AND

5 ~~(j)~~(K) assist all interested public agencies and private organizations in developing education and  
6 prevention programs for chemical dependency."  
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8 **Section 2.** Section 53-24-208, MCA, is amended to read:

9 **"53-24-208. Facility standards.** (1) The department shall establish standards for approved treatment  
10 facilities that must be met for a treatment facility to be approved as a public or private treatment facility and fix  
11 the fees to be charged for the required inspections. The standards must be adopted by rule and may concern the  
12 health standards to be met and standards for the approval of treatment programs for patients.

13 (2) Facilities applying for approval shall demonstrate that a local need currently exists for proposed  
14 services ~~and that the proposed services do not duplicate existing local services.~~

15 (3) The department shall periodically inspect approved public and private treatment facilities at  
16 reasonable times and in a reasonable manner.

17 (4) The department shall maintain a list of approved public and private treatment facilities.

18 (5) Each approved public or private treatment facility shall, on request, file with the department data,  
19 statistics, schedules, and information that the department reasonably requires. An approved public or private  
20 treatment facility that without good cause fails to furnish any data, statistics, schedules, or information as  
21 requested or files fraudulent returns of the requested material must be removed from the list of approved  
22 treatment facilities.

23 (6) The department, after holding a hearing in accordance with the Montana Administrative Procedure  
24 Act, may suspend, revoke, limit, or restrict an approval or refuse to grant an approval for failure to meet its  
25 standards.

26 (7) A district court may restrain any violation of this section, review any denial, restriction, or revocation  
27 of approval, and grant other relief required to enforce its provisions.

28 (8) Upon petition of the department and after a hearing held upon reasonable notice to the facility, a  
29 district court may issue a warrant to the department authorizing it to enter and inspect at reasonable times and  
30 examine the books and accounts of any approved public or private treatment facility that refuses to consent to

1 inspection or examination by the department or that the department has reasonable cause to believe is operating  
2 in violation of this chapter.

3 (9) If a rehabilitation facility otherwise meets the ~~requirements of~~ requirement in subsection (2), the  
4 department may consider as eligible for approval during the accreditation period any rehabilitation facility that  
5 furnishes written evidence, including the recommendation for future compliance statements, of accreditation of  
6 its programs by the commission on accreditation of rehabilitation facilities. The department ~~may, but is not~~  
7 ~~required to,~~ SHALL inspect a facility considered eligible for approval under this section to ensure compliance with  
8 state approval standards."

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10 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2017.

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