

Unofficial Draft Copy

As of: August 13, 2018 (4:14pm)

LCcf4a

**** Bill No. ****

Introduced By *****

By Request of the *****

A Bill for an Act entitled: "An Act establishing requirements for crisis response services in the developmental disabilities system; extending rulemaking authority; redirecting existing funding; and providing an effective date."

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. **Section 1. Crisis response services -- department and provider responsibilities.** (1) The department shall establish a crisis response program for providers of community developmental disabilities services and for families of people with developmental disabilities. The program shall assist providers and families in preventing and intervening in situations that place persons with developmental disabilities at risk of incarceration, hospitalization, civil commitment, or loss of the person's placement in community services.

(2) The crisis response program shall consist of:

(a) a preventive level of response that involves training providers and families in methods for identifying and preventing potential crisis situations and for responding to a crisis situation in its initial stages before the situation escalates in a manner that requires a higher level of intervention;

(b) an intermediate level of response that involves direct

services in a person's community placement for a person who is in or approaching a crisis situation if the situation requires intervention; and

(c) an advanced level of response that involves the provision of crisis support services by providers who are qualified to meet the needs of persons experiencing crisis situations when the services must be provided outside of the person's current community placement. A provider offering crisis support services at this level must receive an enhanced reimbursement rate that reflects the higher level of support being provided to the person in crisis.

(3)(a) Providers shall:

(i) contact the crisis response program for assistance when a person with developmental disabilities is in or approaching crisis; and

(ii) implement the suggestions made for crisis response.

(b) If the person needs the highest level of response, the department shall find an appropriate placement for the person if the provider is unable to offer the level of response needed to mitigate the crisis situation and maintain the person in the current placement.

(4) (a) A person offering training in crisis response or providing direct crisis response services must:

(i) be licensed in the practice of applied behavior analysis pursuant to Title 37, chapter 17; and

(ii) meet other requirements established by the department by rule.

(b) If a team of individuals is offering training under this section, at least one member of the team must meet the licensure requirements of Title 37, chapter 17.

(5) The department may provide the training and direct services offered at the preventive and intermediate levels of response or may contract for the services.

(6) In developing and carrying out the crisis response program, the department shall consult with and include other entities that respond to crisis situations involving persons with developmental disabilities, including but not limited to law enforcement agencies, hospitals, and mental health providers.

Section 2. Section 53-20-204, MCA, is amended to read:

"53-20-204. Rules. (1) The department may adopt rules necessary for the proper administration of this part, including but not limited to:

(a) the training and other standards necessary to provide crisis support services as allowed under [section 1(2)(c); and

(b) the reimbursement rates for crisis support services provided pursuant [section 1(2)(c)].

(2) The department shall adopt rules in cooperation with the board of nursing under which a properly trained staff member of a facility providing services to persons with developmental disabilities under this part may assist and supervise a client of the facility in taking medication if the medication is usually self-administered and if a physician has prescribed the

assistance."

{*Internal References to 53-20-204: None.*}

NEW SECTION. **Section 3. Reallocation of existing funding -
- direction to the department of public health and human services
-- reporting requirement.** (1) The department of public health and
human services shall develop the crisis response program provided
for in [section 1] during the biennium beginning July 1, 2019, by
redirecting funding used for the existing behavior consultation
team to provide the services described in [section 1].

(2) The department may implement the crisis response
program in areas of the state with the highest need if existing
funding does not allow for development of a statewide crisis
response program.

(3) The department shall report to the 2019-2020 children,
families, health, and human services interim committee on:

(a) the status of the implementation of the crisis response
program;

(b) the number of community providers who received training
in crisis prevention and intervention;

(c) the amount and type of direct services provided to
individuals in their community placement settings pursuant to
[section 1(2)(b)];

(d) the number of individuals receiving advanced crisis
support services pursuant to [section 1(2)(c)] and the cost of
the services provided;

(e) to the extent possible, the degree to which higher

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levels of crisis response were avoided because of the training, prevention, or intervention services that were provided; and

(f) the cost of expanding the program in the future, if a statewide program cannot be carried out within existing resources.

NEW SECTION. **Section 4. {standard} Codification**

instruction. [Section 1] is intended to be codified as an integral part of Title 53, chapter 20, part 2, and the provisions of Title 53, chapter 20, part 2, apply to [section 1].

NEW SECTION. **Section 5. {standard} Effective date.** [This act] is effective July 1, 2019.

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