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As of: September 11, 2008 (2:20pm)

LC307a

**** Bill No. ****

Introduced By *****

By Request of the Law and Justice Interim Committee

NOTE: IF THE COMMITTEE DECIDES TO BREAK LC0307/LCdvrS INTO SEPARATE BILLS, THIS BILL IS PROPOSED AS ONE OF THE SEPARATE BILLS. BOLD HIGHLIGHTING AND SPECIAL NOTES INDICATE SUBSTANTIVE REVISIONS FROM LC0307/LCdvrS. THE PREAMBLE IS NEW, APPROPRIATION LANGUAGE HAS BEEN REVISED, AND IMPLEMENTATION LANGUAGE HAS BEEN ADDED.

A Bill for an Act entitled: "An Act providing for state matching funds to be granted to counties for crisis intervention, jail diversion, and precommitment costs for mentally ill adults; requiring rulemaking; providing an appropriation; providing for implementation; requiring a report; and providing an effective date."

NOTE: THE FOLLOWING PREAMBLE IS ENTIRELY NEW

WHEREAS, House Joint Resolution No. 26 requested an interim legislative study to examine diversion of mentally ill adults from the justice system and House Joint Resolution No. 50 requested an interim legislative study to examine county precommitment costs related to involuntary commitment proceedings and precommitment proceedings are often the next step in a jail diversion or crisis intervention program; and

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WHEREAS, these studies were assigned to the Law and Justice Interim Committee;

WHEREAS, the Law and Justice Interim Committee found that current law (sections 53-21-138 and 53-21-139, Montana Code Annotated) originally enacted by the 1991 Legislature provides an solid statutory framework for diversion of mentally ill adults to crisis intervention programs; and

WHEREAS, the Law and Justice Interim Committee found that counties, especially small rural counties, struggle with the cost of paying for crisis intervention, jail diversion, and precommitment treatment and evaluation programs and that in the absence of these programs, many mentally ill individuals transported to the Montana State Hospital where per diem rates are lower even though transportation costs are higher; and

WHEREAS, 63% of Montana State Hospital admissions are emergency or court-ordered detentions pending a precommitment evaluation; and

WHEREAS, a statewide average of 38% of those admitted to the Montana State Hospital for emergency detention or court-ordered detentions do not result in a commitment; and

WHEREAS, the Montana State Hospital daily population has routinely exceeded its licensed capacity of 189 beds; and

WHEREAS, a survey of county precommitment costs found that most counties would prefer local crisis intervention and emergency detention services if those services could be provided at the State Hospital's daily rater, or even at a higher daily rate if those costs were offset by a savings in county

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transportation costs; and

WHEREAS, the number of emergency and court-ordered detentions at the Montana State Hospital, county transportation costs, and hardships for mentally ill individuals could be significantly reduced if adequate crisis intervention and emergency detention services were developed locally; and

WHEREAS, the volatility of precommitment costs, especially for smaller counties, could be mitigated by a county self-insurance pool whereby counties paid a regular premium and the insurance pool would pay for precommitment costs when they occur; and

WHEREAS, the Law and Justice Interim Committee found that a state matching funds program administered by the Department of Public Health and Human Services would provide an incentive for counties to participate in an insurance pool for precommitment costs and to pay for community-based mental health services rather than simply transport mentally ill individuals to the Montana State Hospital; and

WHEREAS, this bill is one in a package of bills recommended by the Law and Justice Interim Committee to address diversion of mentally ill adults from the justice system to appropriate treatment.

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

NEW SECTION. **Section 1. State matching fund grants for county jail diversion, crisis intervention, and precommitment**

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costs. (1) As soon as possible after July 1 of each year, from funds appropriated by the legislature for the purposes of this section, the department shall grant to each eligible county state matching funds for eligible county expenditures made in the previous fiscal year for jail diversion and crisis intervention services established pursuant to 53-21-138 and 53-21-139 **and emergency and court-ordered detention.** The grant amount **may not exceed 50% of the county's eligible expenditures and** must be prorated based on available funding. **The department shall develop a mechanism to provide higher grant amounts to counties that reduce their admissions to the state hospital for emergency and court-ordered detention and evaluation.**

(2) To be eligible for the state matching funds, the county, in the time and manner prescribed by the department, shall:

(a) apply for the funds;

(b) develop and submit to the department a county jail diversion crisis intervention services strategic plan pursuant to 53-21-138 and 53-21-139, **including a plan for developing and using community-based or regional precommitment detention and examination services.**

(c) **participate in a statewide or regional jail suicide prevention program if one has been established by the department for the state or for the region in which the county is situated;**

(d) **participate in a statewide or regional county insurance plan for precommitment costs under 53-21-132, if a statewide or regional insurance plan has been established, as authorized under**

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2-9-211; and

(e) collect and report data and information on county jail diversion and crisis intervention services **as required by the department, including an audit report on county expenditures of state funds granted pursuant to this section.**

(3) The department shall adopt rules to implement the provisions of this section.

(4) Insurance premiums paid by counties pursuant to subsection (2) (d) are an eligible expense under this section.

NEW SECTION. **Section 2. Appropriation.** There is appropriated from the general fund to the department of public health and human services \$_____ for the biennium ending July 1, 2011. The appropriated amount may be used only for the purposes of [section 1].

NEW SECTION. **Section 3. Implementation -- report.** (1) Implementation of the grant program established in [section 1] may be conducted in phases. However, it is the legislature's intent that the grant program be fully implemented by no later than July 1, 2010.

(2) As soon as possible after July 1, 2010, the department shall report to the law and justice interim committee established in 5-5-226 on the implementation status of [section 1].

NEW SECTION. **Section 4. {standard} Codification instruction -- instructions to code commissioner.** (1) [Section 1]

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is intended to be codified as an integral part of Title 53, chapter 21, and the provisions of Title 53, chapter 21, apply to [section 1].

(2) Sections 53-21-138 and 53-21-139 are intended to be renumbered and codified with [section 1] as an integral new part of Title 53, chapter 21.

NEW SECTION. **Section 5. {standard} Effective date.** [This act] is effective July 1, 2009.

- END -

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