

SENATE BILL NO. 469

INTRODUCED BY D. LENZ

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO SERVICE AREA AUTHORITIES; PROVIDING ADDITIONAL DUTIES TO THE DEPARTMENT; PROVIDING ADDITIONAL DUTIES TO SERVICE AREA AUTHORITIES; REQUIRING THE DEPARTMENT TO SUPPORT A MINIMUM OF THREE SERVICE AREA AUTHORITIES; REQUIRING THE DEPARTMENT TO PROVIDE AN ANNUAL CONTRACT TO EACH SERVICE AREA AUTHORITY; ESTABLISHING REPORTING REQUIREMENTS; SUPERSEDING THE UNFUNDED MANDATE LAWS; AND AMENDING SECTIONS 53-21-1002 AND 53-21-1006, MCA."

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

Section 1. Section 53-21-1002, MCA, is amended to read:

"53-21-1002. Duties of department. The department:

- (1) shall take cognizance of matters affecting the mental health of the citizens of the state;
- (2) shall initiate mental health care and treatment, prevention, and research as can best be accomplished by community-centered services. The department shall initiate and operate services in cooperation with local agencies, service area authorities, mental health professionals, and other entities providing services to persons with mental illness.
- (3) shall specifically address:
 - (a) provider contracting;
 - (b) service planning;
 - (c) preadmission screening and discharge planning;
 - (d) quality management;
 - (e) utilization management and review;
 - (f) consumer and family education; and
 - (g) rights protection;

1 (4) shall collect and disseminate information relating to mental health;

2 (5) shall prepare and maintain a comprehensive plan to develop public mental health services in
3 the state and to establish service areas;

4 (6) must receive from agencies of the United States and other state agencies, persons or groups
5 of persons, associations, firms, or corporations grants of money, receipts from fees, gifts, supplies, materials,
6 and contributions for the development of mental health services within the state;

7 (7) shall establish qualified provider certification standards by rule, which may include
8 requirements for national accreditation for mental health programs that receive funds from the department;

9 (8) shall perform an annual review and evaluation of mental health needs and services within the
10 state by region and evaluate the performance of programs that receive funds from the department for
11 compliance with federal and state standards;

12 (9) shall support each county and tribal nation in developing and maintaining a local mental health
13 advisory council;

14 (9) (10) shall coordinate state and community resources to ensure comprehensive delivery of services
15 to children with emotional disturbances, as provided in Title 52, chapter 2, part 3; and

16 (11) shall receive recommendations or requests from service area authorities, as provided in 53-21-
17 1006, and respond within 10 days;

18 (12) shall provide one liaison from the division of the department that oversees children's mental
19 health and one liaison from the division of the department that oversees child and family services;

20 (13) shall provide an annual contract to each service area authority, as provided in 53-21-1006, that
21 funds an administrative assistant, a website, monthly meeting expenses, an annual conference, mini grants,
22 licensed addiction counselor support, community events, prevention, crisis support services, strategic planning,
23 and other services; and

24 (10) (14) shall coordinate and provide staff and financial support to facilitate the establishment of
25 a minimum of three service area authorities, as provided in 53-21-1006, to collaborate with the department in
26 the planning and oversight of mental health services in a service area, including:

27 (a) a minimum of three full-time equivalent community program officer positions;

28 (b) administrative assistance to each service area authority board; and

1 (c) technical assistance to understand the requirements of this part and state contracts."

2
3 **Section 2.** Section 53-21-1006, MCA, is amended to read:

4 **"53-21-1006. Service area authorities -- leadership committees -- boards -- plans.** (1) In the
5 development of a service area authority, public meetings must be held in communities throughout a service
6 area as defined by the department by rule. The purpose of the meetings is to assist the department to establish
7 a stakeholder leadership committee in collaboration with service area community members affected by mental
8 illness. The meetings must be designed to solicit input from consumers of services for persons with mental
9 illness, advocates, family members of persons with mental illness, mental health professionals, county
10 commissioners, county and tribal advisory councils, and other interested community members.

11 (2) The leadership committee within each service area must include but is not limited to a
12 significant portion of consumers of services for persons with mental illness, family members of persons with
13 mental illness, and a mental health services provider. The department shall provide assistance for the ongoing
14 development of a leadership committee, including strengthening the diversity of the committee. The department
15 shall approve a leadership committee within each service area.

16 (3) The leadership committee within each service area shall establish a service area authority
17 board and create bylaws that describe the board's functions and method of appointment. The bylaws must be
18 submitted to the department for review. The majority of the members of the board must be consumers of mental
19 health services and family members of consumers.

20 (4) The service area authority board must be established under Title 35, chapter 2. Nonprofit
21 corporations incorporated for the purposes of this part may not be considered agencies of the department or
22 the state of Montana.

23 (5) A service area authority board:

24 (a) shall collaborate with the department for purposes of planning and oversight of mental health
25 services of the service area, including:

26 (i) provider contracting;

27 (ii) quality and outcome management;

28 (iii) service planning;

- 1 (iv) utilization management and review;
- 2 (v) preadmission screening and discharge planning;
- 3 (vi) consumer advocacy and family education and rights protection;
- 4 (vii) infrastructure;
- 5 (viii) information requirements; and
- 6 (ix) procurement processes;
- 7 (b) shall review and monitor crisis intervention programs established pursuant to 53-21-1202;
- 8 (c) shall submit a biennial review and evaluation of mental health service needs and services
- 9 within the service area;
- 10 (d) shall keep all records of the board and make reports required by the department;
- 11 (e) may enter into contracts with the department for purposes of planning and oversight of the
- 12 service area if the department certifies that the service area authority is capable of assuming the duty;
- 13 (f) may receive and shall administer funding available for the provision of mental health services,
- 14 including grants from the United States government and other agencies, receipts for established fees rendered,
- 15 taxes, gifts, donations, and other types of support or income. All funds received by the board must be used to
- 16 carry out the purposes of this part.
- 17 (g) may reimburse board members for actual and necessary expenses incurred in attending
- 18 meetings and in the discharge of board duties as assigned by the board;
- 19 (h) shall either include a county commissioner or work closely with county commissioners in the
- 20 service area; and
- 21 (i) has the authority to:
- 22 (i) collaborate with the department, the Montana state hospital, the board of visitors, and the
- 23 mental health ombudsman;
- 24 (ii) participate in behavioral health site visits;
- 25 (iii) review and respond to complaints; and
- 26 (iv) provide written recommendations to the department; and
- 27 (†) (j) shall take into consideration the policies, plans, and budget developed by the children's system
- 28 of care planning committee provided for in 52-2-303.

1 (6) A service area authority may not directly provide mental health services.

2 (7) A service area authority shall provide an annual report to the governor, department, and the
3 legislature, in accordance with 5-11-210, that includes:

4 (a) a budget and treasurer's report and its annual distribution of funds;

5 (b) recommendations to the state, including any recommendations submitted to the department
6 and any response from the department; and

7 (c) a constrictive survey from each local advisory council and service area authority detailing the
8 relationship between the state, the local advisory council, and the service area authority for the purpose of
9 improving and maintaining this part."

10
11 NEW SECTION. Section 3. Unfunded mandate laws superseded. The provisions of [this act]
12 expressly supersede and modify the requirements of 1-2-112 through 1-2-116.

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14 NEW SECTION. Section 4. Notification to tribal governments. The secretary of state shall send a
15 copy of [this act] to each federally recognized tribal government in Montana.

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