

SENATE BILL NO. 191

INTRODUCED BY M. CUFFE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE CREATION AND LICENSURE OF RESIDENTIAL TREATMENT CENTERS; GRANTING RULEMAKING AUTHORITY TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; EXTENDING FUNDING OF APPROPRIATE EDUCATIONAL OPPORTUNITIES TO CHILDREN IN RESIDENTIAL TREATMENT CENTERS; AND AMENDING SECTIONS 20-7-419, 20-7-436, AND 50-5-101, MCA."

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

NEW SECTION. Section 1. Licensing of residential treatment centers -- rulemaking. (1) The department shall license residential treatment centers, as defined in 50-5-101.

(2) The department shall adopt administrative rules for licensure, including:

- (a) an appropriate staff-to-patient ratio;
- (b) minimum qualifications for staff;
- (c) staff training requirements;
- (d) required treatment services and if the services must be provided on-site or if they may be provided through arrangements with other health care facilities;
- (e) insurance requirements;
- (f) fingerprint background checks for anyone with regular access to patients, including staff, volunteers, and mental health contractors;
- (g) guidelines for written policies and procedures, including those for suicide prevention;
- (h) abuse and neglect reporting requirements;
- (i) provisional licensure as provided in subsection ~~(4)~~ (5); and
- (j) other rules the department considers necessary to ensure the safe operation of residential treatment centers.

(3) The department shall align licensure and other requirements for residential treatment centers

1 with the requirements provided for in 52-2-805 and 52-2-810.

2 ~~(3)(4)~~ Residential treatment centers must have accreditation granted by an accrediting entity
3 approved by the U.S. centers for medicare and medicaid services.

4 ~~(4)(5)~~ (a) The department may grant an initial 6-month provisional license to a facility that submits
5 written evidence of its application for accreditation as required by subsection ~~(3)(4)~~ and is in the process of
6 obtaining full accreditation.

7 (b) The department may grant an additional 6-month provisional license to a facility that submits
8 written evidence of its application for accreditation as required by subsection ~~(3)(4)~~ and is in the process of
9 accreditation.

10 (c) Provisional licensure may not exceed 1 year.
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12 **Section 2.** Section 20-7-419, MCA, is amended to read:

13 **"20-7-419. Rules.** The superintendent of public instruction shall adopt rules for the implementation of
14 20-7-420, 20-7-421, 20-7-422, 20-7-435, and 20-7-436, including but not limited to:

- 15 (1) the calculation of tuition under 20-7-420;
16 (2) the calculation and distribution of funds under 20-7-435; and
17 (3) the determination of responsibilities of children's psychiatric hospitals, residential treatment
18 facilities, residential treatment centers, therapeutic group homes, and public schools pursuant to 20-7-435."
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20 **Section 3.** Section 20-7-436, MCA, is amended to read:

21 **"20-7-436. Definitions.** For the purposes of 20-7-435 and this section, the following definitions apply:

- 22 (1) "Appropriate educational opportunity" means:
23 (a) for an eligible child without a disability:
24 (i) if provided by a nonpublic school, an education program provided in accordance with the
25 requirements for a nonpublic school under the provisions of 20-5-109; and
26 (ii) if provided by a public school, an education program consistent with accreditation standards
27 provided for in 20-7-111; and
28 (b) for an eligible child with a disability, a free appropriate public education consistent with state