

Amendment - 2nd Reading-yellow - Requested by: Mary Ann Dunwell - (S) Committee of the Whole

- 2025

69th Legislature 2025

Drafter: Chanan Brown,

SB0125.001.003

SENATE BILL NO. 125

INTRODUCED BY M. DUNWELL

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO COMMUNITY HOMES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES; REQUIRING WRITTEN POLICIES AND PROCEDURES TO ENSURE HEALTH AND SAFETY; ~~REQUIRING A PUBLIC COMMENT PERIOD ON LICENSE APPLICATIONS~~; PROVIDING FOR A COMPLAINT PROCESS WITHIN THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES FOR ALLEGED VIOLATIONS OF APPROVED POLICIES AND PROCEDURES OR WHEN POLICIES AND PROCEDURES ARE ALLEGED TO BE INSUFFICIENT; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTION 53-20-305, MCA."

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

Section 1. Section 53-20-305, MCA, is amended to read:

"53-20-305. Local control of community homes -- departmental licensing, administration, operation, health, and safety standards -- rulemaking. (1) Community homes for persons with developmental disabilities may be under local control, and the nonprofit corporations or associations operating community homes are authorized to establish homes and programs they believe in the best interest of their homes.

(2) (a) A community home for persons with developmental disabilities must be licensed annually by the department of public health and human services.

(b) One temporary license may be issued for no longer than 60 days if there are unavoidable delays in the certification process.

(3) The department of public health and human services for the purpose of licensing shall adopt standards and rules concerning the administration, operation, health, and safety of community homes for persons with developmental disabilities. These rules must include requirements to ensure the health and safety of the residents and the community in which the community home is located, including:

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(a) guidelines for policies and procedures of the licensed program, including policies and procedures to prevent the illegal trespass of residents onto neighboring properties, which may include ~~setback from neighboring residences~~, fencing, or additional staffing;

(b) a procedure for the department to review and approve the community home's policies and procedures based on an individualized assessment of the location and unique needs of the community home and ~~consideration of the submitted public comment under subsection (4)~~; and

(c) a procedure for submitting a complaint pursuant to [section 2] about a licensed community home to the department.

~~(4) Prior to the grant of a license under this section, the department shall provide written notice on its website and to all landowners within one half mile of the proposed community home that it has received an application for a license for a community home. The department shall allow at least 28 days from the date of the notice for the public to submit comments regarding the proposed policies and procedures of the community home.~~

~~(5)(4)~~ The department shall keep copies of the approved policies and procedures under subsection (3) on file and provide them to a member of the public on request."

NEW SECTION. Section 2. Complaint -- informal investigation -- conciliation -- findings. (1) A person who claims to be aggrieved by the failure of a community home to follow its approved policies and procedures under 53-20-305 or who claims that the policies and procedures approved by the department under 53-20-305 are insufficient to prevent an injury suffered by the person may file a complaint with the department.

(2) The department shall informally investigate the matters set out in the complaint promptly and impartially to determine whether there is reasonable cause to believe that the allegations are supported by a preponderance of the evidence.

(a) During the informal investigation process and before the department issues a finding under subsection (6), the department may attempt to resolve the complaint by mediation.

(b) If the parties to the complaint voluntarily agree to enter into the mediation process, the time period for the department to complete the informal investigation and issue a finding under subsection (6) may