



AN ACT REVISING MENTAL HEALTH CRISIS INTERVENTION AND JAIL DIVERSION GRANT PROCEDURES; ESTABLISHING PRIORITY FOR AWARDING OF GRANT FUNDS; ALLOWING TRIBAL GOVERNMENTS TO APPLY FOR GRANTS; ALLOWING FOR BIENNIAL GRANTS; AMENDING SECTIONS 53-21-1202, 53-21-1203, AND 53-21-1204, MCA; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 53-21-1202, MCA, is amended to read:

"53-21-1202. Crisis intervention programs -- rulemaking authority. (1) The department shall, subject to available appropriations for the purposes of this part, establish crisis intervention programs. The programs must be designed to provide 24-hour emergency admission and care of persons suffering from a mental disorder and requiring commitment in a temporary, safe environment in the community as an alternative to placement in jail.

(2) The department shall provide information and technical assistance regarding needed services and assist counties and federally recognized tribal governments in developing county plans for crisis intervention services and for the provision of alternatives to jail placement.

(3) The department may provide crisis intervention programs as:

- (a) a rehabilitative service under 53-6-101(4)(j); and
- (b) a targeted case management service authorized in 53-6-101(4)(n).

(4) The department shall adopt rules to:

- (a) implement the grant program provided for in 53-21-1203;
- (b) contract for detention beds pursuant to 53-21-1204; and
- (c) pay for short-term inpatient treatment that is provided pursuant to 53-21-1205."

Section 2. Section 53-21-1203, MCA, is amended to read:

"53-21-1203. State matching fund grants for county and tribal government crisis intervention, jail diversion, precommitment, and short-term inpatient treatment costs. (1) As soon as possible after July 1

of each ~~year~~ new biennium, from funds appropriated by the legislature for the purposes of this section, the department shall grant to each eligible county or federally recognized tribal government state matching funds for:

(a) jail diversion and crisis intervention services to implement 53-21-1201 and 53-21-1202;

(b) insurance coverage against catastrophic precommitment costs if a county insurance pool is established pursuant to 2-9-211; and

(c) short-term inpatient treatment.

(2) Grant amounts must be based on available funding and the prospects that a ~~county or multicounty~~ plan submitted pursuant to subsection (3) will, if implemented, reduce admissions to the state hospital for emergency and court-ordered detention and evaluation and ultimately result in cost savings to the state. The department shall develop a sliding scale for state grants based upon the historical ~~county~~ use of the state hospital with a high-use ~~county~~ applicant receiving a lower percentage of matching funds. The sliding scale must be based upon the number of admissions by ~~county~~ applicant region compared to total admissions and upon the population ~~of each county of the applicant region~~ compared to the state population.

(3) In order to be eligible for the state matching funds, a county or federally recognized tribal government shall, in the time and manner prescribed by the department:

(a) apply for the funds and include in the grant application a detailed plan for how the ~~county~~ applicant and other local entities will collaborate and commit local funds for the mental health services listed in subsection (1);

(b) develop and submit to the department a ~~county or multicounty, tribal, or regional~~ jail diversion and crisis intervention services strategic plan pursuant to 53-21-1201 and 53-21-1202, including a plan for community-based or regional emergency and court-ordered detention and examination services and short-term inpatient treatment;

(c) 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 2-9-211;

(d) 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~~ applicant is situated; and

(e) collect and report data and information on ~~county~~ jail diversion, crisis intervention, and short-term inpatient treatment services in the form and manner prescribed by the department to support program evaluation and measure progress on performance goals.

(4) (a) ~~For the biennium beginning July 1, 2015, money~~ Money appropriated for the purposes of this section ~~that exceeds the amount appropriated for this purpose in fiscal year 2015~~ must be used in the following order to:

- (i) create crisis intervention or jail diversion services in areas of the state that currently lack services;
- (ii) provide new crisis intervention or jail diversion services in areas of the state that have received state matching funds pursuant to this section for other purposes; or
- (iii) recognize an increase in the demand for or use of services that have received funding in previous years.

(b) ~~For the biennium beginning July 1, 2015, the~~ If money from the appropriation remains after grants have been allocated as provided in subsection (4)(a), the department shall, at a minimum, maintain the level of state matching funds provided to counties that received matching funds in fiscal year 2015 if the counties request provide continued support of projects funded in the previous biennium with state matching fund grants if a county or tribal government requests continued funding of the services created or provided through use of the matching funds. ~~If a county requests additional matching funds for continued funding of services provided through use of matching funds in previous years, the department shall consider whether the service is experiencing increased demand or use as provided in subsection (4)(a)(iii) and is eligible for increased funding. The department shall allocate funds provided pursuant to this subsection (4)(b) according to a formula adopted by the department by rule.~~"

Section 3. Section 53-21-1204, MCA, is amended to read:

"53-21-1204. Department to contract for detention beds. (1) To the extent funding is appropriated for the purposes of this section, for each service area, as defined in 53-21-1001, the department shall contract with a mental health facility for psychiatric treatment beds that may be used for:

- (a) inpatient crisis intervention services needed prior to an involuntary commitment petition being filed;
- and
- (b) emergency detention under 53-21-129 and court-ordered detention under 53-21-124 after an involuntary commitment petition has been filed but before final disposition.

(2) Contracting pursuant to this section must take into consideration ~~county~~ strategic plans developed pursuant to 53-21-1201 and 53-21-1202 and local need for precommitment and short-term inpatient treatment

services.

(3) Each contract must provide that for payment of costs for detention, evaluation, and treatment pursuant to subsection (1), the facility shall bill for payment of costs in the order of priority provided for under 53-21-132(2)(a).

(4) Each contract must require the collection and reporting of fiscal and program data in the time and manner prescribed by the department to support program evaluation and measure progress on performance objectives. The department shall establish baseline data on emergency and court-ordered detention admissions to the state hospital from each county and analyze the effect of contracting under this section on state hospital admissions."

Section 4. Effective date. [This act] is effective July 1, 2017.

- END -

I hereby certify that the within bill,
HB 0328, originated in the House.

Speaker of the House

Signed this _____ day
of _____, 2017.

Chief Clerk of the House

President of the Senate

Signed this _____ day
of _____, 2017.

HOUSE BILL NO. 328

INTRODUCED BY R. EHLI

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