

Proposed 2011 Session Legislation

Agency Name & No: Department of Health and Human Services 6901

Priority Number: 009 Filename: 6901-02-009

Short Title: Child Care Resource and Referral Duties

Agency Contact Person/Phone: Hank Hudson 3470

1. Purpose:

Remove requirement that Child Care Resource and Referral Agencies operate regional programs that match families with appropriate childcare facilities.

2. Background:

In an effort to create a more efficient and modern resource and Referral system, the Department is revising current practices. It has been determined that one option is to operate a centralized, statewide Referral system.

3. Fiscal Impact by Fund Type: This impact should be as specific as possible.

4. Summary Checklist [Check & complete all that apply]--

- Housekeeping Only, Federal Requirement, Audit Recommendation, Major Legislation, Anticipated to be Controversial Legislation, Bill Draft has been included in Legislation Submittal, Supports Submitted EPP Item Number, Local Government Fiscal Impact, Increases FTE, or Decreases FTE by, List FTE amount and program, Increases Existing Revenue, Decreases Existing Revenue, Establishes New Revenue, Leg. has been Submitted in Previous Legislative Sessions, Legislation would affect other state agencies, Special Interest Groups Affected, Other.

Proposed 2011 Session Legislation

Agency Name & No: Department of Health and Human Services 6901

Priority Number: 006 Filename: 6901-03-006

Short Title: Authority to contact non-parent relatives

Agency Contact Person/Phone: Hank Hudson 3470

1. Purpose:

To allow the Department to notify non-parent relatives in an effort to find a suitable foster or permanent home.

2. Background:

The Department is increasing its efforts to locate foster and permanent homes for children who have experienced abuse and neglect. Relatives are a high priority. The state needs clear authority to discuss cases with non-parental relatives without fear of violating rules of confidentiality.

3. Fiscal Impact by Fund Type: This impact should be as specific as possible.

4. Summary Checklist [Check & complete all that apply]--

- Housekeeping Only, Federal Requirement, Audit Recommendation, Major Legislation, Anticipated to be Controversial Legislation, Bill Draft has been included in Legislation Submittal, Supports Submitted EPP Item Number, Local Government Fiscal Impact, Increases FTE, or Decreases FTE by, List FTE amount and program, Increases Existing Revenue, Decreases Existing Revenue, Establishes New Revenue, Leg. has been Submitted in Previous Legislative Sessions, Legislation would affect other state agencies, Special Interest Groups Affected, Other.

Proposed 2011 Session Legislation

Agency Name & No: Department of Public Health and Human Services 6901

Priority Number: 010 **Filename:** 6901-04-010

Short Title: Reconciliation with Federal Health Care Reform

Agency Contact Person/Phone: Mary Dalton 4084

1. Purpose:

Reconcile state law with new federal health care reform legislation.

2. Background:

Federal law will begin to be put into guidelines and regulation by CMS between now and the Montana legislative session (this process will continue over several years). This is a placeholder in case state legislation is needed to reconcile existing state law and new federal regulations. It is too early in the process to estimate with any certainty the specific areas that may be affected. Medicaid and CHIP are the primary programs where an affect is anticipated.

3. Fiscal Impact by Fund Type: *This impact should be as specific as possible.*

4. Summary Checklist [Check & complete all that apply]--

- Housekeeping Only
- Federal Requirement
- Audit Recommendation (Audit No.: _____)
- Major Legislation
- Anticipated to be Controversial Legislation
- Bill Draft has been included in Legislation Submittal (if available)
- Supports Submitted EPP Item Number: _____
- Local Government Fiscal Impact
- Increases FTE, or Decreases FTE by _____
- List FTE amount and program: _____
- Increases Existing Revenue Tax Fee Penalty [amount in #3]
- Decreases Existing Revenue Tax Fee Penalty [amount in #3]
- Establishes New Revenue Tax Fee Penalty [amount in #3]
- Leg. has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no): _____
- Legislation would affect other state agencies (list): _____
- Special Interest Groups Affected (list): _____
- Other: _____

Proposed 2011 Session Legislation

Agency Name & No: Department of Public Health and Human Services

Priority Number: 001 Filename: 6901-07-001

Short Title: Implement Emergency Dept and Hospital Discharge Data System

Agency Contact Person/Phone:

1. Purpose:

The purpose of this legislation is to require Montana hospitals to submit emergency department and hospitalization discharge data to the DPHHS to monitor the morbidity and mortality of Montana citizens statewide. We are unable to adequately understand patterns of morbidity and mortality related to important health issues such as motor vehicle crashes, heart disease, stroke and many others. This is necessary to identify and improve disease prevention and control efforts.

2. Background:

Availability of emergency department and hospitalization claims data is essential to monitor the morbidity and mortality among Montanans. Information derived from these data will support the design and evaluation of prevention activities that will add years of healthy life for Montanans. DPHHS has worked with the hospitalization data maintained by the MHA for some of Montanans hospitals. These data have many limitations and don't include emergency department claims, making them far less than optimal for monitoring the health of our citizens.

3. Fiscal Impact by Fund Type: This impact should be as specific as possible.

4. Summary Checklist [Check & complete all that apply]--

- Housekeeping Only Federal Requirement Audit Recommendation (Audit No. _____) Major Legislation
- Anticipated to be Controversial Legislation Bill Draft has been included in Legislation Submittal (if available)
- Supports Submitted EPP Item Number _____ Local Government Fiscal Impact
- Increases FTE, or Decreases FTE by List FTE amount and program _____
- Increases Existing Revenue Tax Fee Penalty [amount in #3]
- Decreases Existing Revenue Tax Fee Penalty [amount in #3]
- Establishes New Revenue Tax Fee Penalty [amount in #3]
- Leg. has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no): HB 105
- Legislation would affect other state agencies (list): _____
- Special Interest Groups Affected (list): Hospitals, Montana Hospital Association
- Other: _____

Proposed 2011 Session Legislation

Agency Name & No: Department of Public Health and Human Services 6901

Priority Number: 005 Filename: 6901-33-005

Short Title: Parole eligibility for persons confined to mental health or developmental disabili

Agency Contact Person/Phone: Lou Thompson (444-3969) or Robert Runkel (444-9055)

1. Purpose:

Amend 46-23-201 to provide parole for persons confined to any mental health facility, residential facility or developmental disabilities facility under 46-14-312, to include guilty but mentally ill offenders sentenced to the custody of the Director of DPHHS, who may be placed at Montana State Hospital, Montana Mental Health Nursing Care Facility, or the Montana Developmental Center at the director's discretion. 46-23-201. Prisoners eligible for nonmedical parole. (1) Subject to the restrictions contained in subsections (2) through (5), the board may release on nonmedical parole by appropriate order any person who is confined in a state prison or sentenced to be committed to the custody of the director of the department of public health and human services and placed in a mental health facility, residential facility, or developmental disabilities facility pursuant to 46-14-312, or any person who is sentenced to the state prison and confined in a prerelease center when in its opinion there is reasonable probability that the prisoner can be released without detriment to the prisoner or to the community.

2. Background:

Current statute only permits parole for persons confined at Montana State Hospital, although offenders have been placed at the Montana Mental Health Nursing Care Center (MMHNCC) and the Montana Developmental Center (MDC) who would be eligible for parole if they were in prison or at the Montana State Hospital. The parole statute was not updated when developmental disabilities was added to the criminal sentencing laws as a factor justifying commitment to the Director of DPHHS instead of Department of Corrections, and the statute does not recognize the similar circumstances of persons placed by the director at MDC or at the MMHNCC who could also benefit from parole eligibility. The institution of parole education and hearings at MSH in recent years has been very successful and has assisted with discharge of numerous patients to appropriate less restrictive placements under community supervision by DOC. DPHHS is coordinating this with DOC.

3. Fiscal Impact by Fund Type:

This impact should be as specific as possible.

4. Summary Checklist [Check & complete all that apply]--

- Housekeeping Only, Federal Requirement, Audit Recommendation, Major Legislation, Anticipated to be Controversial Legislation, Bill Draft has been included in Legislation Submittal, Supports Submitted EPP Item Number, Local Government Fiscal Impact, Increases FTE, Decreases FTE, Increases Existing Revenue, Decreases Existing Revenue, Establishes New Revenue, Leg. has been Submitted in Previous Legislative Sessions, Legislation would affect other state agencies, Special Interest Groups Affected, Other.

Proposed 2011 Session Legislation

Agency Name & No: Department of Public Health and Human Services 6901

Priority Number: 007 **Filename:** 6901-33-007

Short Title: Commitment to non-state facilities

Agency Contact Person/Phone: Lou Thompson

1. Purpose:

Enable the committing court to enter an order of commitment for a person directly to a non-state (federal) facility if the facility will accept the commitment. If the new VA psychiatric inpatient facility being constructed at Fort Harrison is able to admit involuntary patients directly from the commitment court instead of by transfer from Montana State Hospital, admissions and total census at MSH may be reduced. Coordination with VA Fort Harrison is necessary.

2. Background:

53-21-133 currently provides that a person who has already been committed to a state or community facility may be transferred to a non-state facility by court order, transferring commitment custody to the non-state facility, if the facility confirms the person's eligibility and admission status. This proposal duplicates this language in 53-21-127 to permit the same outcome to occur in the initial commitment hearing.

3. Fiscal Impact by Fund Type: *This impact should be as specific as possible.*

Direct commitment to a VA psychiatric hospital instead of transfer from MSH may reduce the general fund expenditures for MSH. The amount is difficult to estimate at this time.

4. Summary Checklist [Check & complete all that apply]--

- Housekeeping Only Federal Requirement Audit Recommendation (Audit No. _____) Major Legislation
- Anticipated to be Controversial Legislation Bill Draft has been included in Legislation Submittal (if available)
- Supports Submitted EPP Item Number _____ Local Government Fiscal Impact
- Increases FTE, or Decreases FTE by List FTE amount and program _____
- Increases Existing Revenue Tax Fee Penalty [amount in #3]
- Decreases Existing Revenue Tax Fee Penalty [amount in #3]
- Establishes New Revenue Tax Fee Penalty [amount in #3]
- Leg. has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no): _____
- Legislation would affect other state agencies (list): _____
- Special Interest Groups Affected (list): _____
- Other: Veteran's Administration