

Unofficial Draft Copy

As of: June 7, 2018 (3:02pm)

LCCF01

**** Bill No. ****

Introduced By *****

By Request of the *****

A Bill for an Act entitled: "An Act requiring use of the supports intensity scale to assess the support needs of people with developmental disabilities living in community settings; requiring administration of the assessment by a third party; providing an appropriation; providing for transition to the assessment; and providing an effective date."

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. **Section 1. Use of assessment tool -- frequency of assessment.** (1) The department shall use the supports intensity scale to assess the level of paid support an individual needs to live in the community.

(2) The department shall assess an individual's needs:

(a) at the time the individual is accepted into the home and community-based services waiver for the developmental disabilities program; or

(b) when an individual committed to the intensive behavior center provided for in 53-20-602 is considered ready to return to the community.

(3) The department shall use the supports intensity scale to reassess an individual's support needs every THREE years. The reassessment must be done sooner if a person experiences a major

life change that affects the level of support the person will need.

(4) Assessments under this section must be administered by individuals meeting the recommended education or experience levels of the American association on intellectual and developmental disabilities for administration of the supports intensity scale.

Section 2. Section 53-20-203, MCA, is amended to read:

"53-20-203. Responsibilities of department. The department shall:

(1) take cognizance of matters affecting the citizens of the state who are persons with developmental disabilities;

(2) initiate a preventive developmental disabilities program that must include but not be limited to the implementation of developmental disabilities care, treatment, prevention, and research as can best be accomplished by community-centered services. Every means must be used to initiate and operate the service program in cooperation with local agencies under the provisions of 53-20-205.

(3) collect and disseminate information relating to developmental disabilities;

(4) prepare an annual comprehensive plan for the initiation and maintenance of developmental disabilities services in the state. The services must include but not be limited to community comprehensive developmental disabilities services as referred to in 53-20-202.

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(5) provide by rule for ~~the evaluation of~~:

(a) the evaluation of persons who apply for services;

(b) the assessment, in accordance with [section 1] of persons admitted into a program at a developmental disability facility or considered ready to return to the community from the Montana developmental center or the intensive behavior center provided for in 53-20-602; and

(c) the evaluation of persons residing at or released from the Montana developmental center into a community home, in accordance with the requirements established in 53-20-225;

(6) receive from agencies of the government of the United States and other agencies, persons or groups of persons, associations, firms, or corporations grants of money, receipts from fees, gifts, supplies, materials, and contributions to initiate and maintain developmental disabilities services within the state;

(7) require that habilitation plans be developed, implemented, and continuously maintained for all persons with developmental disabilities who are served through a community-based program funded by the state; and

(8) use funds available for cases in which special medical or material assistance is necessary to rehabilitate children with developmental disabilities or children with physical disabilities if the assistance is not otherwise provided for by law."

{*Internal References to 53-20-203: None.*}

Section 3. Section 53-20-209, MCA, is amended to read:

"53-20-209. Eligibility for services. (1) A person suspected of having a developmental disability is eligible for an evaluation to determine whether the person is a person with developmental disabilities.

(2) If the department determines through a screening process that a person with developmental disabilities is in need of available services and those services can be provided to the person, the department may provide services available under Title 53, chapter 20, part 3, and this part following administration of the supports intensity scale in accordance with the provisions of [section 1]."

{*Internal References to 53-20-209:*
53-20-125 53-20-132}

NEW SECTION. Section 4. Appropriation. (1) There is appropriated AN AMOUNT from the general fund and AN AMOUNT from the federal special revenue account for the biennium beginning July 1, 2019, to purchase and administer the supports intensity scale assessment provided for in [section 1] and in accordance with the transition schedule provided for in [section 5].

(2) The legislature intends that the appropriation be considered as part of the ongoing base for the next legislative session.

NEW SECTION. Section 5. Transition. (1) The legislature intends that the department of public health and human services phase in the use of the supports intensity scale required under

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[section 1] by administering the assessment to WHAT PERCENTAGE of the adults served by the 0208 home and community-based services waiver each year until all of the individuals have been assessed with that instrument.

(2) (a) The legislature intends that the individuals should be selected for assessment in the following order of priority:

(i) individuals being accepted into waiver services for the first time;

(ii) individuals being served at the Montana developmental center or the intensive behavior center and approaching discharge from the facilities;

(iii) individuals in community services who have left the Montana developmental center or the intensive behavior center within the past 4 years and whose individual cost plan was determined by using the Montana resource allocation protocol;

(iv) individuals in community services whose needs were assessed using the Montana resource allocation protocol and whose most recent assessment was conducted before January 1, 2014;

(v) individuals in community services whose needs were assessed using the Montana resource allocation protocol and whose most recent assessment was conducted after January 1, 2014, but before January 1, 2017; and

(vi) individuals in community services whose needs were assessed using the Montana resource allocation protocol and whose most recent assessment was conducted on or after January 1, 2017.

(b) The department may provide an exception to the order of priority listed in subsection (1)(a) if a member of an

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individual's planning team requests an assessment of an individual who has experienced behavioral or physical changes that have significantly changed the level of support the individual needs.

NEW SECTION. **Section 6. {standard} Codification**

instruction. [Section 1] is intended to be codified as an integral part of Title 50, chapter 20, part 2, and the provisions of Title 50, chapter 20, part 2, apply to [section 1].

NEW SECTION. **Section 7. {standard} Effective date.** [This act] is effective July 1, 2019.

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