

Proposal for Legislation -- 2019 EMERGENCY ACCESS TO TREATMENT ACT

Return to:

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PROPOSER'S NAME/TITLE: Zoe Barnard, Administrator, Addictive and Mental Disorders Division

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1. What is the problem or issue?

Currently, a person cannot be referred to substance use disorder inpatient treatment without an assessment or approval of an assessment from a licensed addiction counselor. Due to wait times and workforce shortages, this could result in a delay of hours to weeks from acute presentation to treatment.

2. What do you want the legislation to do?

We want individuals who present in an emergency room to be referred directly to treatment by a doctor or midlevel.

3. If possible, please list the MCA (Montana Code Annotated) sections that would need to be amended.

Section 1. Section 53-24-301

4. If the proposed change requires additional funding, what funding sources do you propose?

No additional funding is required.

5. Has similar legislation been requested in the past, been introduced in another state, or provided as a model act? If so, please provide a citation, reference, or point of contact.

N/A

Proposal for Legislation -- 2019

MODERNIZATION OF CHILD SUPPORT STATUTES

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PROPOSER'S NAME/TITLE: Chad Dexter, Child Support Enforcement Division Administrator

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1. What is the problem or issue?

The Child Support Enforcement Division (CSED) of DPHHS establishes and enforces parental child support and medical support obligations. Changes to federal law and improvements in enforcement across state lines have effectively updated the way in which child support programs operate. In light of these changes, to remain an efficient and effective child support program, it is necessary to modernize Montana child support law.

2. What do you want the legislation to do?

- Clarify employer responsibilities when honoring child support income withholding orders.
- Broaden the CSED income withholding order to allow recovery of lump sum payments.
- Align health care coverage requirements with CFR 303.31 used for medical support orders.
- Technical cleanup of Montana law to conform to the Uniform Interstate Family Support Act (UIFSA).

3. If possible, please list the MCA (Montana Code Annotated) sections that would need to be amended.

MCA 40-5-403, 40-5-421, 40-5-423, 40-5-804, 40-5-909, 40-5-1002, 40-5-1005, 40-5-1008, 40-5-1017, 40-5-1027, 40-5-1043, 40-5-1051, 40-5-1059, 40-5-1063, 40-5-1064, 40-5-1067, 40-5-1068, 40-5-1069, and 40-5-1074.

4. If the proposed change requires additional funding, what funding sources do you propose?

N/A

5. Has similar legislation been requested in the past, been introduced in another state, or provided as a model act? If so, please provide a citation, reference, or point of contact.

As these are federally mandated, all states should have the legislation necessary for Items 1, 3 & 4. For Item 2, 35 states (including Idaho, Wyoming, Utah, and South Dakota) currently allow for use of an income withholding order to recover lump sum payments.

**Proposal for Legislation -- 2019
REVISE OR REPEAL STATUTES PERTAINING TO
THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM**

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PROPOSER'S NAME/TITLE: Jamie Palagi, Administrator Human and Community Services Division

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1. What is the problem or issue? The Department wishes to introduce clean up language to the statute pertaining to TANF by:

- Replacing or deleting the outdated "Families Achieving Independence in Montana (FAIM) Program" and replacing it with the current "Temporary Assistance for Needy Families (TANF) Program"
- Replacing references to "County Administration" with "State Administration"
- Replacing "Family Investment Agreement" with "Employability/Service Plan"
- Replacing "Financial Assistance" with "Cash Assistance" as appropriate

2. What do you want the legislation to do?

Same as above.

3. If possible, please list the MCA (Montana Code Annotated) sections that would need to be amended.

Sections 53-2-902, 53-2-903, 53-4-201, 53-4-212, 53-4-221, 53-4-231, 53-4-232, 53-4-233, 53-4-241, 53-4-244, 53-4-602, 53-4-611, 53-4-613, 53-4-702, 53-4-704, 53-4-706, and 53-4-717; Repealing Sections 53-4-216, 53-4-222, 53-4-250, 53-4-256, 53-4-257, 53-4-601, 53-4-606, 53-4-609, 53-4-612, And 53-4-721 MCA

4. If the proposed change requires additional funding, what funding sources do you propose?

No additional funding needed.

5. Has similar legislation been requested in the past, been introduced in another state, or provided as a model act? If so, please provide a citation, reference, or point of contact.

No.

Proposal for Legislation -- 2019

REVISE LAWS REGARDING PROTECTION OF VULNERABLE ADULTS

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PROPOSER'S NAME/TITLE: Barb Smith, Administrator, Senior and Long Term Care

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1. What is the problem or issue?

Adult Protective Services (APS) is the unit of DPHHS that investigates allegations of abuse neglect and exploitation of vulnerable adults. Language regarding mandatory reporting is vague, clarification that long-term care facilities need to report to the APS and Certification units of the department, and terminology is out of date.

2. What do you want the legislation to do?

- Replace older adult, developmentally disabled person and disabled adult with the term vulnerable adult. There are cites where only older adults and developmentally disabled adults are mentioned, which leaves out the 18-59 age population of those with mental health issues or physical disabilities. Define vulnerable adult once, apply across at sections of protective law. (Most of the bill).
- Long-term care facilities are traditionally nursing homes, but rights of residents under the Older Americans Act extend to those individuals in assisted living facilities. Ombudsman are required to respond to assisted living issues raised by the resident, but the rights of the assisted living facility resident are not.
- Clarify that reports of suspect abuse and neglect are to be made to the long-term care ombudsman, APS and Certification and Survey within DPHHS – not just “the department.” Industry actions indicate the interpretation is Certification and Survey only.
- Add bank employee, investment advisor, financial planner, financial broker, conservator or representative payee as mandatory reporters. Conservators and representative payee have accounting requirements, but are not mandatory reporters.
- Add penalties for false reporting of abuse, neglect or exploitation

3. If possible, please list the MCA (Montana Code Annotated) sections that would need to be amended.

30-14-444, 41-3-205, 50-5-1104, 52-3-201, 52-3-202, 53-3-203, 52-3-204, 52-3-206, 52-3-207, 52-3-802, 52-3-803, 52-3-804, 52-3-805, 52-3-811, 52-3-812, 52-3-813, 52-2-814, 52-3-815, 52-3-821, 52-3-825

4. **If the proposed change requires additional funding, what funding sources do you propose?**

No funding needed.

5. **Has similar legislation been requested in the past, been introduced in another state, or provided as a model act? If so, please provide a citation, reference, or point of contact.**

HB 139 in 2017 session. Legislature chose to address only licensed financial professionals through the securities laws.

Proposal for Legislation -- 2019

REVISING THE MONTANA CHILD CARE ACT

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PROPOSER'S NAME/Title: Carter Anderson, Quality Assurance Division Administrator

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1. What is the problem or issue?

The language and content in the current Child Care Act is outdated and does not align with the requirements of the US Office of Child Care - Child Care and Development Block Grant Reauthorization Act.

2. What do you want the legislation to do?

Revisions are necessary to comply with new requirements set forth by the US Office of Child Care in the Child Care and Development Block Grant Reauthorization Act for purposes of continued funding. Terminology needs to be updated to better align with early childhood best practices and "Caring for Our Children" guidelines. The new provisions within the Act require states to conduct annual inspections on all child care facilities, including non-relative based in-home care. School age and drop-in child care programs require updated regulations.

3. If possible, please list the MCA (Montana Code Annotated) sections that would need to be amended.

Title 52, Chapter 2, Part 7, also known as the "Montana Child Care Act".

4. If the proposed change requires additional funding, what funding sources do you propose?

No additional funding is required.

5. Has similar legislation been requested in the past, been introduced in another state, or provided as a model act? If so, please provide a citation, reference, or point of contact.

Similar legislation has not been requested or introduced since the changes were made to the federal policy.