

HOUSE BILL NO. 740

INTRODUCED BY L. SMITH, T. WELCH, J. CARLSON, G. OBLANDER, J. ETCHART

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO THE OUT-OF-STATE PLACEMENT OF HIGH-RISK CHILDREN WITH MULTIAGENCY NEEDS; REQUIRING APPROVAL BEFORE PLACING CERTAIN CHILDREN OUT OF STATE; REQUIRING ADDITIONAL DATA COLLECTION AND REPORTING; AMENDING SECTION 52-2-311, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Out-of-state placements -- limitations -- medical review. (1) A high-risk child with multiagency service needs may not be placed in an out-of-state treatment facility without the written approval of the director of the department if the child is under 12 years old and in the custody of the department.

(2) The department shall immediately conduct a case review, consistent with 52-2-311(2)(c), of an out-of-state placement of a child in the custody of the department if the department receives three or more reports in a month that the out-of-state facility has used medical, chemical, or physical restraints on the child.

Section 2. Section 52-2-311, MCA, is amended to read:

"52-2-311. Out-of-state placement monitoring and reporting. (1) The department shall collect the following information regarding high-risk children with multiagency service needs:

- (a) the number of children placed out of state;
- (b) the reasons each child was placed out of state;
- (c) the length of time each child was receiving treatment out of state;
- ~~(d)~~ the costs for each child placed out of state;
- (e) the number of children under 12 years old who were in the department's custody and approved for placement out of state;

1 ~~(d)~~(f) the process used to avoid out-of-state placements, including the number of children for whom
 2 in-state providers completed and submitted plans of care pursuant to 52-2-310 and who were subsequently
 3 placed out of state;

4 (g) the specific services and resources that were not available in state and required placement of a
 5 child out of state;

6 ~~(e)~~(h) the number of in-state providers participating in the pool; ~~and~~

7 ~~(f)~~(i) the location of the facilities in which the children were placed;

8 (j) the process used to verify that each facility in which children were placed had a license in good
 9 standing with the appropriate licensing agency; and

10 (k) findings from the quarterly reviews conducted pursuant to subsection (2), including whether any
 11 facility was in violation of the compliance review required under subsection (2)(c) and any deficiencies in any
 12 category of review, including but not limited to the categories identified in subsection (2)(a).

13 (2) (a) The department shall review on a quarterly basis the care provided by out-of-state
 14 psychiatric residential treatment facilities, including the assessment, education, treatment planning, clinical, and
 15 discharge planning services provided to children and the documentation of those services.

16 (b) Each review must include a sample size that aligns with guidance from a nationally recognized
 17 accrediting agency.

18 (c) The use of seclusions and restraints identified in the quarterly reviews must be reviewed for
 19 compliance with 42 CFR 583.358.

20 ~~(2)~~(3) For children whose placement is funded in whole or in part by medicaid, the report must include
 21 information indicating other department programs with which the child is involved.

22 ~~(3)~~(4) On an ongoing basis, the department shall attempt to reduce out-of-state placements.

23 ~~(4)~~(5) (a) The department shall report, in accordance with 5-11-210, to the legislature and the
 24 children, families, health, and human services interim committee no later than August 30-October 31
 25 concerning on:

26 (i) the information it has collected under this section and;

27 (ii) the results of the efforts it has made to reduce out-of-state placements; and

28 (iii) the total number of children placed out of state who are in the custody of the department and

1 whether monthly visits by the department were made to the out-of-state facilities serving each child.

2 (b) The report may contain only deidentified information and must cover placements made during
3 the most recently completed fiscal year."

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5 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an
6 integral part of Title 52, chapter 2, part 3, and the provisions of Title 52, chapter 2, part 3, apply to [section 1].

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8 NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

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