HOUSE BILL NO. 27

INTRODUCED BY J. ETCHART

BY REQUEST OF THE CHILDREN, FAMILIES, HEALTH AND HUMAN SERVICES INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING YOUTH DAY TREATMENT FACILITY DISCRETION IN STAFFING; REQUIRING YOUTH DAY TREATMENT FACILITIES TO COMPOSE A WRITTEN STAFFING PLAN; REQUIRING THE DEPARTMENT TO CLARIFY THE BASIS FOR ANY RULE THAT LIMITS FACILITY DISCRETION; AND PROVIDING RULEMAKING AUTHORITY."

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

NEW SECTION. **Section 1. Department standards for youth day treatment facilities -- rulemaking.** (1) The department shall adopt rules to establish standards for the licensure of youth day treatment facilities. These standards must:

(a) establish and enforce the regulations necessary for patient safety and quality of care; and

(b) permit each facility to establish its own operational and personnel practices, including how the facility uses qualified professionals within their lawful scopes of practice.

(2) A youth day treatment facility shall compose a written staffing plan appropriate to the needs and acuity of its patients. The staffing plan must:

(a) provide for continuous staff coverage that allows staff to engage in active patient supervision, develop and implement ongoing treatment plans, perform behavioral interventions, and respond to emergencies in a timely manner;

(b) identify safe staffing levels for the program, including the program's staff-to-patient ratio and appropriate caseloads for program staff;

(c) specify an appropriate use of full-time, part-time, contract, temporary, and other staff types employed by the program;

(d) include how the program accommodates planned and unplanned staff absences; and

(e) enumerate any specific staffing requirements to ensure the best service delivery for the

program's patient population.

(3) A youth day treatment facility shall maintain sufficient documentation in the ordinary course of operations to demonstrate compliance with its staffing plan. Existing facility records satisfy documentation requirements when they contain the information reasonably necessary to determine compliance. The department shall avoid unnecessary duplication through state-prescribed forms.

(4) The written staffing plan in subsection (2) and documentation in subsection (3) must be made available to the department on request within 2 business days after the date of the request.

(5) If a rule restricts program-level discretion, the department shall identify:

(a) how the restriction aligns with a federal law or a requirement for participation in a federal program; or

(b) the specific clinical, patient safety, or quality-of-care need addressed by the restriction, including evidence to support the restriction and to demonstrate why it is reasonable and necessary.

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 50, chapter 5, part 2, and the provisions of Title 50, chapter 5, part 2, apply to [section 1].

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