

OFFICE OF THE GOVERNOR
STATE OF MONTANA

GREG GIANFORTE
GOVERNOR



KRISTEN JURAS
LT. GOVERNOR

May 11, 2023

The Honorable Jason Ellsworth
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Matt Regier
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Ellsworth and Speaker Regier:

We share a commitment to ensuring mental health patients across Montana receive high-quality care in the most clinically appropriate setting to meet their needs, including patients at the Montana State Hospital (MSH). I am proud to have worked alongside you and other members of the Legislature to improve and expand the options available to Montanans who need mental health services, including individuals suffering from Alzheimer's disease, dementia, and traumatic brain injury (TBI). The Department of Public Health and Human Services (DPHHS) has dedicated, and continues to dedicate, significant time and effort to realizing the intent of House Bill 29, to improve the care provided to this patient population, independent of the proposed legislation. However, as I emphasized to the Legislature in my amendatory veto letter, and as DPHHS has repeatedly warned over the course of the last 18 months, House Bill 29 fails to offer a realistic mechanism for compliance and to transition these patients who are currently committed to MSH's care to community-based treatment services and facilities.

I am disappointed that the Legislature failed to listen to DPHHS's continual warnings during the past interim period and the entire 68th legislative session that House Bill 29 does not provide a practical, legal framework for protecting the best interests of this patient population, some of Montana's most vulnerable individuals, while ensuring that they receive care in the most clinically appropriate care setting available to them. I'm also disappointed that the Legislature failed to consider my proposed amendments to House Bill 29, which would have preserved the legislation's intent and complemented ongoing work at DPHHS to ensure that civilly committed patients are being served in the most clinically appropriate care setting.

Without amendments, House Bill 29 is legally inadequate, charges those responsible for administering the civil commitment system with confusing and inconsistent obligations, and falls

President Ellsworth and Speaker Regier

May 11, 2023

Page 2

short of establishing an effective, lawful mechanism to ensure that such patients are served in the most clinically appropriate care setting in accordance with their best interests and best practice. Such flaws, including the near elimination of judicial discretion in related civil commitment cases, could require MSH to discharge some of the most vulnerable Montanans without guarantee that another available, clinically appropriate placement exists for them. This is irresponsible, inappropriate, and inhumane. To protect these patients and ensure DPHHS retains the authority to care for them when no one else will, I must veto House Bill 29.

Therefore, in accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill 29: "AN ACT GENERALLY REVISING LAWS REGARDING THE INVOLUNTARY COMMITMENT OF INDIVIDUALS WITH ALZHEIMER'S DISEASE, OTHER FORMS OF DEMENTIA, OR TRAUMATIC BRAIN INJURY; ENDING INVOLUNTARY COMMITMENT OF THE INDIVIDUALS AFTER JUNE 30, 2025, WHEN ONLY CERTAIN COMMITMENT CRITERIA ARE MET; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO TRANSITION MONTANA STATE HOSPITAL PATIENTS WITH THOSE DIAGNOSES TO COMMUNITY SERVICES; ESTABLISHING A TEMPORARY TRANSITION REVIEW COMMITTEE; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 53-21-126, 53-21-127, 53-21-401, AND 53-21-402, MCA; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE."

Sincerely,



Greg Gianforte
Governor

Enclosure

cc: Legislative Services Division
Christi Jacobsen, Secretary of State