

## 1 HOUSE BILL NO. 102

2 INTRODUCED BY J. GILLETTE

3 BY REQUEST OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO ACCREDITING ENTITIES FOR  
6 HEALTH CARE FACILITIES; AMENDING SECTIONS 45-5-624, 50-5-101, 50-5-103, 50-5-247, AND 50-6-404,  
7 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10  
11 **Section 1.** Section 45-5-624, MCA, is amended to read:

12 **"45-5-624. Possession of or unlawful attempt to purchase intoxicating substance --**  
13 **interference with sentence or court order.** (1) A person under 21 years of age commits the offense of  
14 possession of an intoxicating substance if the person knowingly consumes, uses, has in the person's  
15 possession, or delivers or distributes without consideration an intoxicating substance. A person may not be  
16 arrested for or charged with the offense solely because the person was at a place where other persons were  
17 possessing or consuming alcoholic beverages or marijuana. A person does not commit the offense if the  
18 person consumes or gains possession of an alcoholic beverage because it was lawfully supplied to the person  
19 under 16-6-305 or when in the course of employment it is necessary to possess alcoholic beverages or  
20 marijuana.

21 (2) (a) In addition to any disposition by the youth court under 41-5-1512, a person under 18 years  
22 of age who is convicted under this section:

23 (i) for a first offense, shall be fined an amount not less than \$100 and not to exceed \$300 and:

24 (A) shall be ordered to perform 20 hours of community service;

25 (B) shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete  
26 and pay all costs of participation in a community-based substance abuse information course that meets the  
27 requirements of subsection (8), if one is available; and

28 (C) if the person has a driver's license, must have the license confiscated by the court for 30 days,

1 except as provided in subsection (2)(b);

2 (ii) for a second offense, shall be fined an amount not less than \$200 and not to exceed \$600 and:

3 (A) shall be ordered to perform 40 hours of community service;

4 (B) shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete  
5 and pay all costs of participation in a community-based substance abuse information course that meets the  
6 requirements of subsection (8), if one is available;

7 (C) if the person has a driver's license, must have the license confiscated by the court for 6  
8 months, except as provided in subsection (2)(b); and

9 (D) shall be required to complete a chemical dependency assessment and treatment, if  
10 recommended, as provided in subsection (7);

11 (iii) for a third or subsequent offense, shall be fined an amount not less than \$300 or more than  
12 \$900, shall be ordered to perform 60 hours of community service, shall be ordered, and the person's parent or  
13 parents or guardian shall be ordered, to complete and pay all costs of participation in a community-based  
14 substance abuse information course that meets the requirements of subsection (8), if one is available, and shall  
15 be required to complete a chemical dependency assessment and treatment, if recommended, as provided in  
16 subsection (7). If the person has a driver's license, the court shall confiscate the license for 6 months, except as  
17 provided in subsection (2)(b).

18 (b) If the convicted person fails to complete the community-based substance abuse information  
19 course and has a driver's license, the court shall order the license suspended for 3 months for a first offense, 9  
20 months for a second offense, and 12 months for a third or subsequent offense.

21 (c) The court shall retain jurisdiction for up to 1 year to order suspension of a license under  
22 subsection (2)(b).

23 (3) A person 18 years of age or older who is convicted of the offense of possession of an  
24 intoxicating substance:

25 (a) for a first offense:

26 (i) shall be fined an amount not less than \$100 or more than \$300;

27 (ii) shall be ordered to perform 20 hours of community service; and

28 (iii) shall be ordered to complete and pay all costs of participation in a community-based substance

1 abuse information course that meets the requirements of subsection (8);

2 (b) for a second offense:

3 (i) shall be fined an amount not less than \$200 or more than \$600;

4 (ii) shall be ordered to perform 40 hours of community service; and

5 (iii) shall be ordered to complete and pay for an alcohol or drug information course at an alcohol or  
6 drug treatment program that meets the requirements of subsection (8), which may, in the court's discretion and  
7 on recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both;

8 (c) for a third or subsequent offense:

9 (i) shall be fined an amount not less than \$300 or more than \$900;

10 (ii) shall be ordered to perform 60 hours of community service;

11 (iii) shall be ordered to complete and pay for an alcohol or drug information course at an alcohol or  
12 drug treatment program that meets the requirements of subsection (8), which may, in the sentencing court's  
13 discretion and on recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both;  
14 and

15 (iv) in the discretion of the court, shall be imprisoned in the county jail for a term not to exceed 6  
16 months.

17 (4) A person under 21 years of age commits the offense of attempt to purchase an intoxicating  
18 substance if the person knowingly attempts to purchase an alcoholic beverage or marijuana. A person  
19 convicted of attempt to purchase an intoxicating substance shall be fined an amount not to exceed \$150 if the  
20 person was under 21 years of age at the time that the offense was committed and may be ordered to perform  
21 community service.

22 (5) A defendant who fails to comply with a sentence and is under 21 years of age and was under  
23 18 years of age when the defendant failed to comply must be transferred to the youth court. If proceedings for  
24 failure to comply with a sentence are held in the youth court, the offender must be treated as an alleged youth  
25 in need of intervention as defined in 41-5-103. The youth court may enter its judgment under 41-5-1512.

26 (6) A person commits the offense of interference with a sentence or court order if the person  
27 purposely or knowingly causes a child or ward to fail to comply with a sentence imposed under this section or a  
28 youth court disposition order for a youth found to have violated this section and upon conviction shall be fined

1 \$100 or imprisoned in the county jail for 10 days, or both.

2 (7) (a) A person convicted of a second or subsequent offense of possession of an intoxicating  
3 substance shall be ordered to complete a chemical dependency assessment.

4 (b) The assessment must be completed at a treatment program that meets the requirements of  
5 subsection (8) and must be conducted by a licensed addiction counselor. The person may attend a program of  
6 the person's choice as long as a licensed addiction counselor provides the services. If able, the person shall  
7 pay the cost of the assessment and any resulting treatment.

8 (c) The assessment must describe the person's level of abuse or dependency, if any, and contain  
9 a recommendation as to the appropriate level of treatment, if treatment is indicated. A person who disagrees  
10 with the initial assessment may, at the person's expense, obtain a second assessment provided by a licensed  
11 addiction counselor or program that meets the requirements of subsection (8).

12 (d) The treatment provided must be at a level appropriate to the person's alcohol or drug problem,  
13 or both, if any, as determined by a licensed addiction counselor pursuant to diagnosis and patient placement  
14 rules adopted by the department of public health and human services. Upon the determination, the court shall  
15 order the appropriate level of treatment, if any. If more than one counselor makes a determination, the court  
16 shall order an appropriate level of treatment based on the determination of one of the counselors.

17 (e) Each counselor providing treatment shall, at the commencement of the course of treatment,  
18 notify the court that the person has been enrolled in a chemical dependency treatment program. If the person  
19 fails to attend the treatment program, the counselor shall notify the court of the failure.

20 (8) (a) A community-based substance abuse information course required under subsection  
21 (2)(a)(i)(B), (2)(a)(ii)(B), (2)(a)(iii), or (3)(a)(iii) must be:

22 (i) approved by the department of public health and human services under 53-24-208 or by a  
23 court or provided under a contract with the department of corrections; or

24 (ii) provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical  
25 dependency services and that is accredited by ~~the joint commission on accreditation of healthcare~~  
26 ~~organizations~~ an accrediting entity approved by the U.S. centers for medicare and medicaid services to provide  
27 chemical dependency services.

28 (b) An alcohol or drug information course required under subsection (3)(b)(iii) or (3)(c)(iii) must be

1 provided at an alcohol or drug treatment program:

2 (i) approved by the department of public health and human services under 53-24-208 or by a  
3 court or provided under a contract with the department of corrections; or

4 (ii) provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical  
5 dependency services and that is accredited by ~~the joint commission on accreditation of healthcare~~  
6 organizations-an accrediting entity approved by the U.S. centers for medicare and medicaid services to provide  
7 chemical dependency services.

8 (c) A chemical dependency assessment required under subsection (7) must be completed at a  
9 treatment program:

10 (i) approved by the department of public health and human services under 53-24-208 or by a  
11 court or provided under a contract with the department of corrections; or

12 (ii) provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical  
13 dependency services and that is accredited by ~~the joint commission on accreditation of healthcare~~  
14 organizations-an accrediting entity approved by the U.S. centers for medicare and medicaid services to provide  
15 chemical dependency services.

16 (9) Information provided or statements made by a person under 21 years of age to a health care  
17 provider or law enforcement personnel regarding an alleged offense against that person under Title 45, chapter  
18 5, part 5, may not be used in a prosecution of that person under this section. This subsection's protection also  
19 extends to a person who helps the victim obtain medical or other assistance or report the offense to law  
20 enforcement personnel.

21 (10) (a) A person under 21 years of age may not be charged or prosecuted under subsection (1) if:

22 (i) the person has consumed an intoxicating substance and seeks medical treatment at a health  
23 care facility or contacts law enforcement personnel or an emergency medical service provider for the purpose  
24 of seeking medical treatment;

25 (ii) the person accompanies another person under 21 years of age who has consumed an  
26 intoxicating substance and seeks medical treatment at a health care facility or contacts law enforcement  
27 personnel or an emergency medical service provider for the purpose of seeking medical treatment for the other  
28 person; or

1 (iii) the person requires medical treatment as a result of consuming an intoxicating substance and  
 2 evidence of a violation of this section is obtained during the course of seeking or receiving medical treatment.

3 (b) For the purposes of this subsection (10), the following definitions apply:

4 (i) "Health care facility" means a facility or entity that is licensed, certified, or otherwise authorized  
 5 by law to administer medical treatment in this state.

6 (ii) "Medical treatment" means medical treatment provided by a health care facility or an  
 7 emergency medical service. (See compiler's comments for contingent termination of certain text.)"

8

9 **Section 2.** Section 50-5-101, MCA, is amended to read:

10 **"50-5-101. Definitions.** As used in parts 1 through 3 of this chapter, unless the context clearly  
 11 indicates otherwise, the following definitions apply:

12 (1) "Accreditation" means a designation of approval.

13 ~~(2) "Accreditation association for ambulatory health care" means the organization nationally~~  
 14 ~~recognized by that name that surveys outpatient centers for surgical services upon their requests and grants~~  
 15 ~~accreditation status to the outpatient centers for surgical services that it finds meet its standards and~~  
 16 ~~requirements.~~

17 ~~(3)(2)~~ (2) "Activities of daily living" means tasks usually performed in the course of a normal day in a  
 18 resident's life that include eating, walking, mobility, dressing, grooming, bathing, toileting, and transferring.

19 ~~(4)(3)~~ (3) "Adult day-care center" means a facility, freestanding or connected to another health care  
 20 facility, that provides adults, on a regularly scheduled basis, with the care necessary to meet the needs of daily  
 21 living but that does not provide overnight care.

22 ~~(5)(4)~~ (4) (a) "Adult foster care home" means a private home or other facility that offers, except as  
 23 provided in 50-5-216, only light personal care or custodial care to four or fewer disabled adults or aged persons  
 24 who are not related to the owner or manager of the home by blood, marriage, or adoption or who are not under  
 25 the full guardianship of the owner or manager.

26 (b) As used in this subsection ~~(5)~~ (4), the following definitions apply:

27 (i) "Aged person" means a person as defined by department rule as aged.

28 (ii) "Custodial care" means providing a sheltered, family-type setting for an aged person or

1 disabled adult so as to provide for the person's basic needs of food and shelter and to ensure that a specific  
2 person is available to meet those basic needs.

3 (iii) "Disabled adult" means a person who is 18 years of age or older and who is defined by  
4 department rule as disabled.

5 (iv) (A) "Light personal care" means assisting the aged person or disabled adult in accomplishing  
6 such personal hygiene tasks as bathing, dressing, and hair grooming and supervision of prescriptive medicine  
7 administration.

8 (B) The term does not include the administration of prescriptive medications.

9 ~~(6)~~(5) "Affected person" means an applicant for a certificate of need, a long-term care facility located  
10 in the geographic area affected by the application, an agency that establishes rates for long-term care facilities,  
11 or a third-party payer who reimburses long-term care facilities in the area affected by the proposal.

12 ~~(7)~~(6) "Assisted living facility" means a congregate residential setting that provides or coordinates  
13 personal care, 24-hour supervision and assistance, both scheduled and unscheduled, and activities and health-  
14 related services.

15 ~~(8)~~(7) "Capital expenditure" means:

16 (a) an expenditure made by or on behalf of a long-term care facility that, under generally accepted  
17 accounting principles, is not properly chargeable as an expense of operation and maintenance; or

18 (b) a lease, donation, or comparable arrangement that would be a capital expenditure if money or  
19 any other property of value had changed hands.

20 ~~(9)~~(8) "Certificate of need" means a written authorization by the department for a person to proceed  
21 with a proposal subject to 50-5-301.

22 ~~(40)~~(9) "Chemical dependency facility" means a facility whose function is the treatment, rehabilitation,  
23 and prevention of the use of any chemical substance, including alcohol, that creates behavioral or health  
24 problems and endangers the health, interpersonal relationships, or economic function of an individual or the  
25 public health, welfare, or safety.

26 ~~(44)~~(10) "Clinical laboratory" means a facility for the microbiological, serological, chemical,  
27 hematological, radiobioassay, cytological, immunohematological, pathological, or other examination of  
28 materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or

1 treatment of a disease or assessment of a medical condition.

2 ~~(12) "College of American pathologists" means the organization nationally recognized by that name~~  
3 ~~that surveys clinical laboratories upon their requests and accredits clinical laboratories that it finds meet its~~  
4 ~~standards and requirements.~~

5 ~~(13) "Commission on accreditation of rehabilitation facilities" means the organization nationally~~  
6 ~~recognized by that name that surveys rehabilitation facilities upon their requests and grants accreditation status~~  
7 ~~to a rehabilitation facility that it finds meets its standards and requirements.~~

8 ~~(14)~~(11) "Comparative review" means a joint review of two or more certificate of need applications that  
9 are determined by the department to be competitive in that the granting of a certificate of need to one of the  
10 applicants would substantially prejudice the department's review of the other applications.

11 ~~(15)~~(12) "Congregate" means the provision of group services designed especially for elderly or  
12 disabled persons who require supportive services and housing.

13 ~~(16)~~(13) "Construction" means the physical erection of a new health care facility and any stage of the  
14 physical erection, including groundbreaking, or remodeling, replacement, or renovation of:

15 (a) an existing health care facility; or

16 (b) a long-term care facility as defined in 50-5-301.

17 ~~(17) "Council on accreditation" means the organization nationally recognized by that name that~~  
18 ~~surveys behavioral treatment programs, chemical dependency treatment programs, residential treatment~~  
19 ~~facilities, and mental health centers upon their requests and grants accreditation status to programs and~~  
20 ~~facilities that it finds meet its standards and requirements.~~

21 ~~(18)~~(14) "Critical access hospital" means a facility that is located in a rural area, as defined in 42  
22 U.S.C. 1395ww(d)(2)(D), and that has been designated by the department as a critical access hospital pursuant  
23 to 50-5-233.

24 ~~(19)~~(15) "Department" means the department of public health and human services provided for in 2-  
25 15-2201.

26 ~~(20) "DNV healthcare, inc." means the company nationally recognized by that name that surveys~~  
27 ~~hospitals upon their requests and grants accreditation status to a hospital that it finds meets its standards and~~  
28 ~~requirements.~~

1           ~~(24)~~(16) "Eating disorder center" means a facility that specializes in the treatment of eating disorders.

2           ~~(22)~~(17) "End-stage renal dialysis facility" means a facility that specializes in the treatment of kidney  
3 diseases and includes freestanding hemodialysis units.

4           ~~(23)~~(18) "Federal acts" means federal statutes for the construction of health care facilities.

5           ~~(24)~~(19) "Governmental unit" means the state, a state agency, a county, municipality, or political  
6 subdivision of the state, or an agency of a political subdivision.

7           ~~(25)~~ "Healthcare facilities accreditation program" means the program nationally recognized by that  
8 name that surveys health care facilities upon their requests and grants accreditation status to a health care  
9 facility that it finds meets its standards and requirements.

10           ~~(26)~~(20) (a) "Health care facility" or "facility" means all or a portion of an institution, building, or agency,  
11 private or public, excluding federal facilities, whether organized for profit or not, that is used, operated, or  
12 designed to provide health services, medical treatment, or nursing, rehabilitative, or preventive care to any  
13 individual. The term includes chemical dependency facilities, critical access hospitals, eating disorder centers,  
14 end-stage renal dialysis facilities, home health agencies, home infusion therapy agencies, hospices, hospitals,  
15 infirmaries, long-term care facilities, intermediate care facilities for the developmentally disabled, medical  
16 assistance facilities, mental health centers, outpatient centers for primary care, outpatient centers for surgical  
17 services, rehabilitation facilities, residential care facilities, and residential treatment facilities.

18           (b)       The term does not include offices of private physicians, dentists, or other physical or mental  
19 health care workers regulated under Title 37, including licensed addiction counselors.

20           ~~(27)~~(21) "Home health agency" means a public agency or private organization or subdivision of the  
21 agency or organization that is engaged in providing home health services to individuals in the places where  
22 they live. Home health services must include the services of a licensed registered nurse and at least one other  
23 therapeutic service and may include additional support services.

24           ~~(28)~~(22) "Home infusion therapy agency" means a health care facility that provides home infusion  
25 therapy services.

26           ~~(29)~~(23) "Home infusion therapy services" means the preparation, administration, or furnishing of  
27 parenteral medications or parenteral or enteral nutritional services to an individual in that individual's residence.  
28 The services include an educational component for the patient, the patient's caregiver, or the patient's family

1 member.

2 ~~(30)~~(24) "Hospice" means a coordinated program of home and inpatient health care that provides or  
3 coordinates palliative and supportive care to meet the needs of a terminally ill patient and the patient's family  
4 arising out of physical, psychological, spiritual, social, and economic stresses experienced during the final  
5 stages of illness and dying and that includes formal bereavement programs as an essential component. The  
6 term includes:

7 (a) an inpatient hospice facility, which is a facility managed directly by a medicare-certified hospice  
8 that meets all medicare certification regulations for freestanding inpatient hospice facilities; and

9 (b) a residential hospice facility, which is a facility managed directly by a licensed hospice program  
10 that can house three or more hospice patients.

11 ~~(31)~~(25) (a) "Hospital" means a facility providing, by or under the supervision of licensed physicians,  
12 services for medical diagnosis, treatment, rehabilitation, and care of injured, disabled, or sick individuals.

13 Except as otherwise provided by law, services provided must include medical personnel available to provide  
14 emergency care onsite 24 hours a day and may include any other service allowed by state licensing authority.

15 A hospital has an organized medical staff that is on call and available within 20 minutes, 24 hours a day, 7 days  
16 a week, and provides 24-hour nursing care by licensed registered nurses. The term includes:

17 (i) hospitals specializing in providing health services for psychiatric, developmentally disabled, and  
18 tubercular patients; and

19 (ii) specialty hospitals.

20 (b) The term does not include critical access hospitals.

21 (c) The emergency care requirement for a hospital that specializes in providing health services for  
22 psychiatric, developmentally disabled, or tubercular patients is satisfied if the emergency care is provided within  
23 the scope of the specialized services provided by the hospital and by providing 24-hour nursing care by  
24 licensed registered nurses.

25 ~~(32)~~(26) "Infirmiry" means a facility located in a university, college, government institution, or industry  
26 for the treatment of the sick or injured, with the following subdefinitions:

27 (a) an "infirmiry--A" provides outpatient and inpatient care;

28 (b) an "infirmiry--B" provides outpatient care only.

1           ~~(33)~~(27) (a) "Intermediate care facility for the developmentally disabled" means a facility or part of a  
2 facility that provides intermediate developmental disability care for two or more persons.

3           (b)       The term does not include community homes for persons with developmental disabilities that  
4 are licensed under 53-20-305 or community homes for persons with severe disabilities that are licensed under  
5 52-4-203.

6           ~~(34)~~(28) "Intermediate developmental disability care" means the provision of intermediate nursing care  
7 services, health-related services, and social services for persons with a developmental disability, as defined in  
8 53-20-102, or for persons with related problems.

9           ~~(35)~~(29) "Intermediate nursing care" means the provision of nursing care services, health-related  
10 services, and social services under the supervision of a licensed nurse to patients not requiring 24-hour nursing  
11 care.

12           ~~(36)~~(30) "Licensed health care professional" means a licensed physician, physician assistant,  
13 advanced practice registered nurse, or registered nurse who is practicing within the scope of the license issued  
14 by the department of labor and industry.

15           ~~(37)~~(31) (a) "Long-term care facility" means a facility or part of a facility that provides skilled nursing  
16 care, residential care, intermediate nursing care, or intermediate developmental disability care to a total of two  
17 or more individuals or that provides personal care.

18           (b)       The term does not include community homes for persons with developmental disabilities  
19 licensed under 53-20-305; community homes for persons with severe disabilities, licensed under 52-4-203;  
20 youth care facilities, licensed under 52-2-622; hotels, motels, boardinghouses, roominghouses, or similar  
21 accommodations providing for transients, students, or individuals who do not require institutional health care; or  
22 correctional facilities operating under the authority of the department of corrections.

23           ~~(38)~~(32) "Medical assistance facility" means a facility that meets both of the following:

24           (a)       provides inpatient care to ill or injured individuals before their transportation to a hospital or that  
25 provides inpatient medical care to individuals needing that care for a period of no longer than 96 hours unless a  
26 longer period is required because transfer to a hospital is precluded because of inclement weather or  
27 emergency conditions. The department or its designee may, upon request, waive the 96-hour restriction  
28 retroactively and on a case-by-case basis if the individual's attending physician, physician assistant, or nurse

1 practitioner determines that the transfer is medically inappropriate and would jeopardize the health and safety  
2 of the individual.

3 (b) either is located in a county with fewer than six residents a square mile or is located more than  
4 35 road miles from the nearest hospital.

5 ~~(39)~~(33) "Mental health center" means a facility providing services for the prevention or diagnosis of  
6 mental illness, the care and treatment of mentally ill patients, the rehabilitation of mentally ill individuals, or any  
7 combination of these services.

8 ~~(40)~~(34) "Nonprofit health care facility" means a health care facility owned or operated by one or more  
9 nonprofit corporations or associations.

10 ~~(44)~~(35) "Offer" means the representation by a health care facility that it can provide specific health  
11 services.

12 ~~(42)~~(36) (a) "Outdoor behavioral program" means a program that provides treatment, rehabilitation,  
13 and prevention for behavioral problems that endanger the health, interpersonal relationships, or educational  
14 functions of a youth and that:

15 (i) serves either adjudicated or nonadjudicated youth;

16 (ii) charges a fee for its services; and

17 (iii) provides all or part of its services in the outdoors.

18 (b) "Outdoor behavioral program" does not include recreational programs such as boy scouts, girl  
19 scouts, 4-H clubs, or other similar organizations.

20 ~~(43)~~(37) "Outpatient center for primary care" means a facility that provides, under the direction of a  
21 licensed physician, either diagnosis or treatment, or both, to ambulatory patients and that is not an outpatient  
22 center for surgical services.

23 ~~(44)~~(38) "Outpatient center for surgical services" means a clinic, infirmary, or other institution or  
24 organization that is specifically designed and operated to provide surgical services to patients not requiring  
25 hospitalization and that may include recovery care beds.

26 ~~(45)~~(39) "Patient" means an individual obtaining services, including skilled nursing care, from a health  
27 care facility.

28 ~~(46)~~(40) "Person" means an individual, firm, partnership, association, organization, agency, institution,

1 corporation, trust, estate, or governmental unit, whether organized for profit or not.

2 ~~(47)~~(41) "Personal care" means the provision of services and care for residents who need some  
3 assistance in performing the activities of daily living.

4 ~~(48)~~(42) "Practitioner" means an individual licensed by the department of labor and industry who has  
5 assessment, admission, and prescription authority.

6 ~~(49)~~(43) "Recovery care bed" means, except as provided in 50-5-235, a bed occupied for less than 24  
7 hours by a patient recovering from surgery or other treatment.

8 ~~(50)~~(44) "Rehabilitation facility" means a facility that is operated for the primary purpose of assisting in  
9 the rehabilitation of disabled individuals by providing comprehensive medical evaluations and services,  
10 psychological and social services, or vocational evaluation and training or any combination of these services  
11 and in which the major portion of the services is furnished within the facility.

12 ~~(51)~~(45) "Resident" means an individual who is in a long-term care facility or in a residential care  
13 facility.

14 ~~(52)~~(46) "Residential care facility" means an adult day-care center, an adult foster care home, an  
15 assisted living facility, or a retirement home.

16 ~~(53)~~(47) "Residential psychiatric care" means active psychiatric treatment provided in a residential  
17 treatment facility to psychiatrically impaired individuals with persistent patterns of emotional, psychological, or  
18 behavioral dysfunction of such severity as to require 24-hour supervised care to adequately treat or remedy the  
19 individual's condition. Residential psychiatric care must be individualized and designed to achieve the patient's  
20 discharge to less restrictive levels of care at the earliest possible time.

21 ~~(54)~~(48) "Residential treatment facility" means a facility operated for the primary purpose of providing  
22 residential psychiatric care to individuals under 21 years of age.

23 ~~(55)~~(49) "Retirement home" means a building or buildings in which separate living accommodations  
24 are rented or leased to individuals who use those accommodations as their primary residence.

25 ~~(56)~~(50) "Skilled nursing care" means the provision of nursing care services, health-related services,  
26 and social services under the supervision of a licensed registered nurse on a 24-hour basis.

27 ~~(57)~~(51) (a) "Specialty hospital" means a subclass of hospital that is exclusively engaged in the  
28 diagnosis, care, or treatment of one or more of the following categories:

- 1 (i) patients with a cardiac condition;  
 2 (ii) patients with an orthopedic condition;  
 3 (iii) patients undergoing a surgical procedure; or  
 4 (iv) patients treated for cancer-related diseases and receiving oncology services.  
 5 (b) For purposes of this subsection ~~(57)~~ (51), a specialty hospital may provide other services for  
 6 medical diagnosis, treatment, rehabilitation, and care of injured, disabled, or sick individuals as otherwise  
 7 provided by law if the care encompasses 35% or less of the hospital services.

8 (c) The term "specialty hospital" does not include:

- 9 (i) psychiatric hospitals;  
 10 (ii) rehabilitation hospitals;  
 11 (iii) children's hospitals;  
 12 (iv) long-term care hospitals; or  
 13 (v) critical access hospitals.

14 ~~(58)~~(52) "State long-term care facilities plan" means the plan prepared by the department to project the  
 15 need for long-term care facilities within Montana and approved by the governor and a statewide health  
 16 coordinating council appointed by the director of the department.

17 ~~(59)~~(53) "Swing bed" means a bed approved pursuant to 42 U.S.C. 1395tt to be used to provide either  
 18 acute care or extended skilled nursing care to a patient.

19 ~~(60)~~ "The joint commission" means the organization nationally recognized by that name that surveys  
 20 health care facilities upon their requests and grants accreditation status to a health care facility that it finds  
 21 meets its standards and requirements."

22

23 **Section 3.** Section 50-5-103, MCA, is amended to read:

24 **"50-5-103. Rules and standards -- accreditation.** (1) The department shall adopt rules and  
 25 minimum standards for implementation of parts 1 and 2.

26 (2) Any facility covered by this chapter shall comply with the state and federal requirements  
 27 relating to construction, equipment, and fire and life safety.

28 (3) The department shall extend a reasonable time for compliance with rules for parts 1 and 2

1 upon adoption.

2 (4) (a) Any ~~hospital~~ health care facility located in this state that furnishes to the department the  
 3 written evidence required by the department, including the recommendation for future compliance statements,  
 4 ~~to the department~~ of its accreditation granted by an accrediting entity listed in subsection (4)(b) approved by the  
 5 U.S. centers for medicare and medicaid services is eligible for licensure in the state for the accreditation period  
 6 and may not be subjected to an inspection by the department for purposes of the licensing process.

7 ~~(b) A hospital may provide evidence of its accreditation by:~~

8 ~~(i) DNV healthcare, inc.;~~

9 ~~(ii) the healthcare facilities accreditation program; or~~

10 ~~(iii) the joint commission.~~

11 ~~(e)(b)~~ The department may, in addition to its inspection authority in 50-5-116, inspect any licensed  
 12 health care facility to answer specific complaints made in writing by any person against the facility when the  
 13 complaints pertain to licensing requirements. Inspection by the department upon a specific complaint made in  
 14 writing pertaining to licensing requirements is limited to the specific area or condition of the health care facility  
 15 to which the complaint pertains.

16 ~~(5) The department may consider as eligible for licensure during the accreditation period any health~~  
 17 ~~care facility located in this state, other than a hospital, that furnishes written evidence, including the~~  
 18 ~~recommendation for future compliance statements, of its accreditation by the joint commission. The department~~  
 19 ~~may inspect a health care facility considered eligible for licensure under this section to ensure compliance with~~  
 20 ~~state licensure standards.~~

21 ~~(6) The department may consider as eligible for licensure during the accreditation period any~~  
 22 ~~rehabilitation facility that furnishes written evidence, including the recommendation for future compliance~~  
 23 ~~statements, of accreditation of its programs by the commission on accreditation of rehabilitation facilities. The~~  
 24 ~~department may inspect a rehabilitation facility considered eligible for licensure under this section to ensure~~  
 25 ~~compliance with state licensure standards.~~

26 ~~(7) The department may consider as eligible for licensure during the accreditation period any~~  
 27 ~~outpatient center for surgical services that furnishes written evidence, including the recommendation for future~~  
 28 ~~compliance statements, of accreditation of its programs by the accreditation association for ambulatory health~~

1 care. The department may inspect an outpatient center for surgical services considered eligible for licensure  
 2 under this section to ensure compliance with state licensure standards.

3 ~~(8) The department may consider as eligible for licensure during the accreditation period any~~  
 4 ~~behavioral treatment program, chemical dependency treatment program, residential treatment facility, or mental~~  
 5 ~~health center that furnishes written evidence, including the recommendation for future compliance statements,~~  
 6 ~~of accreditation of its programs by the council on accreditation. The department may inspect a behavioral~~  
 7 ~~treatment program, chemical dependency treatment program, residential treatment facility, or mental health~~  
 8 ~~center considered eligible for licensure under this section to ensure compliance with state licensure standards."~~

9

10 **Section 4.** Section 50-5-247, MCA, is amended to read:

11 **"50-5-247. Licensure of eating disorder centers -- rulemaking -- definition.** (1) The department  
 12 shall license eating disorder centers that provide intensive outpatient or partial hospitalization programs for  
 13 individuals with eating disorders as defined by the most recent edition of the Diagnostic and Statistical Manual  
 14 of Mental Disorders.

15 (2) The department shall adopt administrative rules for licensure, including but not limited to rules  
 16 establishing:

17 (a) patient-to-staff ratios;

18 (b) the treatment services that must be available on site or through arrangements with other health  
 19 care facilities, including crisis and hospital services; and

20 (c) license and inspection fees. Fees must be reasonably related to service costs.

21 (3) The rules may not establish requirements that are more stringent than standards established  
 22 ~~by the commission on accreditation of rehabilitation facilities and the joint commission accrediting entities~~  
 23 approved by the U.S. centers for medicare and medicaid services for accreditation of behavioral health care  
 24 organizations that provide care for individuals with eating disorders.

25 (4) For the purposes of this section, "partial hospitalization program" means an active treatment  
 26 program that offers therapeutically intensive, coordinated, structured treatment services to individuals who have  
 27 been diagnosed with an eating disorder. Services include day, evening, night, and weekend treatment  
 28 programs that use an integrated, comprehensive, and complementary schedule of recognized treatment or

1 therapeutic activities."

2

3 **Section 5.** Section 50-6-404, MCA, is amended to read:

4 **"50-6-404. Duties of trauma care committee.** The trauma care committee provided for in 2-15-2216  
5 shall:

6 (1) provide recommendations and guidance to the department concerning:

7 (a) trauma care, including suggestions for changes to the statewide trauma care system;

8 (b) the implementation of a hospital data collection system; and

9 (c) the design and implementation of a statewide and regional quality improvement system for

10 trauma care that considers the standards recommended by the American college of surgeons and ~~the joint~~

11 ~~commission on accreditation of healthcare organizations~~ an accrediting entity approved by the U.S. centers for

12 medicare and medicaid services;

13 (2) assist the department in conducting statewide quality improvement and peer review functions

14 by regularly analyzing the effect of the statewide trauma care system on patient care, morbidity, and mortality;

15 and

16 (3) provide recommendations to and oversight and coordination of the activities of the regional

17 trauma care advisory committees."

18

19 NEW SECTION. Section 6. Effective date. [This act] is effective on passage and approval.

20

- END -