

1 HOUSE BILL NO. 922  
2 INTRODUCED BY B. KEENAN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND  
5 HUMAN SERVICES TO DEVELOP AND IMPLEMENT A PLAN COMPLYING WITH THE PRINCIPLES OF  
6 THE OLMSTEAD DECISION; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE."

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

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10 **NEW SECTION. Section 1. Olmstead plan -- stakeholder involvement -- elements.** (1) The  
11 department shall develop and implement a plan to ensure that state-funded services and supports for  
12 Montanans with disabilities are, to the greatest extent possible, provided in the community rather than in an  
13 institutional setting in accordance with the requirements of the United States supreme court decision in  
14 *Olmstead v. L.C.*, 527 U.S. 581 (1999).

15 (2) The department shall consult with the statewide independent living council established  
16 pursuant to 29 U.S.C. 796d and, as appropriate, other stakeholders prior to determining the process for  
17 developing a comprehensive plan for reviewing and making recommendations on department-funded,  
18 community-based services for individuals with physical, mental, and developmental disabilities.

19 (3) The department may contract with a third party for development of the plan.

20 (4) The plan must include:

- 21 (a) an overview of the Olmstead decision;
- 22 (b) an analysis of the department's current efforts to integrate people with disabilities into the  
23 community and the department-funded services and supports available to people with disabilities, including:
  - 24 (i) the populations currently served, by disability and geographic location;
  - 25 (ii) the settings in which services are provided; and
  - 26 (iii) expenditures made for the services and supports;
- 27 (c) an assessment of the strengths and weaknesses of the system, including but not limited to:
  - 28 (i) an analysis of the number and location of people waiting for services;



- 1           (ii)     workforce needs; and
- 2           (iii)    suggestions from individuals receiving department-funded services and supports;
- 3           (d)     recommendations for increasing the availability of and access to community-based services
- 4 and supports, including:
- 5           (i)     the steps needed to correct unjustified institutionalization of individuals with disabilities and
- 6 prevent future unnecessary institutionalization of the individuals; and
- 7           (ii)    measurable goals for increased availability and access; and
- 8           (e)     the incorporation of quality assurance activities to ensure compliance with the principles of the
- 9 Olmstead decision.
- 10          (5)     The plan must take into consideration that community supports must be provided when
- 11 required pursuant to Olmstead v. L.C.
- 12          (6)     The department and any third-party contractor shall provide regular opportunities for
- 13 stakeholder input into the development of the plan and for stakeholder comment on subsequent implementation
- 14 of the plan.
- 15          (7)     No later than June 30, 2029, and every 6 years after that, the department shall review the plan
- 16 to ensure it remains consistent with the principles of the Olmstead decision.

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18           NEW SECTION. Section 2. Appropriation. There is appropriated \$300,000 from the HCBS 10%  
 19 MOE state special revenue account to the department of public health and human services for the biennium  
 20 beginning July 1, 2023, to develop the plan required under [section 1].

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22           NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an  
 23 integral part of Title 53, chapter 2, part 2, and the provisions of Title 53, chapter 2, part 2, apply to [section 1].

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25           NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 2023.

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