



AN ACT REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO DEVELOP AND IMPLEMENT A PLAN COMPLYING WITH THE PRINCIPLES OF THE OLMSTEAD DECISION; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

(4) The plan must include:

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

- (i) an analysis of the number and location of people waiting for services;
- (ii) workforce needs; and
- (iii) suggestions from individuals receiving department-funded services and supports;
- (d) recommendations for increasing the availability of and access to community-based services

and supports, including:

- (i) the steps needed to correct unjustified institutionalization of individuals with disabilities and prevent future unnecessary institutionalization of the individuals; and
- (ii) measurable goals for increased availability and access; and
- (e) the incorporation of quality assurance activities to ensure compliance with the principles of the Olmstead decision.

(5) The plan must take into consideration that community supports must be provided when required pursuant to Olmstead v. L.C.

(6) The department and any third-party contractor shall provide regular opportunities for stakeholder input into the development of the plan and for stakeholder comment on subsequent implementation of the plan.

(7) No later than June 30, 2029, and every 6 years after that, the department shall review the plan to ensure it remains consistent with the principles of the Olmstead decision.

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

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

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

- END -

I hereby certify that the within bill,
HB 922, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2023.

President of the Senate

Signed this _____ day
of _____, 2023.

HOUSE BILL NO. 922

INTRODUCED BY B. KEENAN

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