

SENATE BILL NO. 144

INTRODUCED BY M. YAKAWICH

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A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE NAME OF THE MENTAL HEALTH OVERSIGHT ADVISORY COUNCIL TO THE BEHAVIORAL HEALTH ADVISORY COUNCIL; AND AMENDING SECTION 53-21-702, MCA."

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

**Section 1.** Section 53-21-702, MCA, is amended to read:

**"53-21-702. Mental health care system -- eligibility -- services -- advisory council.** (1) The

department of public health and human services shall develop a delivery system of mental health care from providers or other entities that are able to provide administration or delivery of mental health services. The public mental health care system shall:

- (a) include specific outcome and performance measures for the administration or delivery of a continuum of mental health services;
- (b) provide for local advisory councils that shall report to and meet on a regular basis with the advisory council provided for in subsection (4);
- (c) provide level-of-care appeals that are understandable and accessible; and
- (d) provide a system for tracking children who need mental health services that are provided under substantive interagency agreements between state agencies responsible for addictive and mental disorders, foster care, children with developmental disabilities, special education, and juvenile corrections.

(2) The department may establish resource and income standards of eligibility for mental health services that are more liberal than the resource and income standards of eligibility for physical health services. The standards of eligibility for mental health services may provide for eligibility for households not eligible for medicaid with family income that does not exceed 160% of the federal poverty threshold or that does not exceed a lesser amount determined at the discretion of the department. The department may by rule specify under what circumstances deductions for medical expenses should be used to reduce countable family income

1 in determining eligibility. The department may also adopt rules establishing fees, premiums, or copayments to  
2 be charged recipients for services. The fees, premiums, or copayments may vary according to family income.

3 (3) The department shall establish the amount, scope, and duration of services to be provided  
4 under the program. Services for nonmedicaid-eligible individuals may be more limited than those services  
5 provided to medicaid-eligible individuals. Services to nonmedicaid-eligible individuals may include a pharmacy  
6 benefit.

7 (4) (a) The department shall form an advisory council, to be known as the ~~mental health~~  
8 ~~oversight~~behavioral health advisory council, to provide input to the department in the development and  
9 management of any public mental health system. The advisory council is not subject to 2-15-122. The advisory  
10 council membership must include:

11 (i) one-half of the members as consumers of mental health services, including persons with  
12 serious mental illnesses who are receiving public mental health services, other recipients of mental health  
13 services, former recipients of public mental health services, and immediate family members of recipients of  
14 mental health services; and

15 (ii) advocates for consumers or family members of consumers, members of the public at large,  
16 providers of mental health services, legislators, and department representatives.

17 (b) The advisory council under this section may be administered so as to fulfill any federal advisory  
18 council requirements to obtain federal funds for this program.

19 (c) Geographic representation must be considered when appointing members to the advisory  
20 council in order to provide the widest possible representation."

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