68th Legislature 2023 HB 922.1

1	HOUSE BILL NO. 922		
2	INTRODUCED BY B. KEENAN		
3			
4	A BILL FOR A	N ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND	
5	HUMAN SER	VICES TO DEVELOP AND IMPLEMENT A PLAN COMPLYING WITH THE PRINCIPLES OF	
6	THE OLMSTE	AD DECISION; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE.	
7			
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:		
9			
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;	



68th Legislature 2023 HB 922.1

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.		
17			
18	<u>NEW</u>	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].		
21			
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].	
24			
25	<u>NEW</u>	SECTION. Section 4. Effective date. [This act] is effective July 1, 2023.	
26		- END -	

