**** BILL NO. ****

INTRODUCED BY ****

BY REQUEST OF THE ****

A BILL FOR AN ACT ENTITLED: “AN ACT ESTABLISHING YOUTH DAY TREATMENT FACILITY DISCRETION IN REGARDS TO STAFFING; REQUIRING YOUTH DAY TREATMENT FACILITIES TO COMPOSE A WRITTEN STAFFING PLAN; REQUIRING THE DEPARTMENT TO CLARIFY THE BASIS FOR ANY RULE THAT LIMITS FACILITY DISCRETION; AND PROVIDING RULEMAKING AUTHORITY."

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

NEW SECTION. **Section 1. Department to make rules -- standards for youth day treatment facilities.** (1) The department shall by rule establish standards for the licensure of youth day treatment facilities. These standards must:

(a) establish and enforce standards necessary for patient safety and quality of care;

(b) permit each facility to establish its own operational and personnel practices, including how the facility will use qualified professionals within their lawful scopes of practice.

(2) (a) A youth day treatment facility shall compose a written staffing plan appropriate to the needs and acuity of its patients. The staffing plan must:

(i) provide for continuous staff coverage that allows staff to engage in active patient supervision, develop and implement ongoing treatment plans, perform behavioral interventions, and respond to emergencies in a timely manner;

(ii) identify safe staffing levels for the program, including the program's staff-to-patient ratio and appropriate caseloads for program staff;

(iii) specify an appropriate use of full-time, part-time, contract, temporary, and other staff types employed by the program;

(iv) include how the program will accommodate planned and unplanned staff absences; and

(v) enumerate any specific staffing requirements to ensure the best service delivery for the

program's patient population.

(3) A youth day treatment facility must maintain sufficient documentation in the ordinary course of operations to demonstrate compliance with its staffing plan. Existing facility records must satisfy documentation requirements when they contain the information reasonably necessary to determine compliance, rather than requiring unnecessary duplication through state-prescribed forms.

(4) The written staffing plan in subsection (2) and documentation in subsection (3) must be made available to the department upon request, within two business days from the date of the request.

(5) If a rule restricts program-level discretion, the department shall identify:

(a) how the restriction aligns with federal law or requirement for participation in a federal program; or

(b) the specific clinical, patient safety, or quality of care need addressed by the restriction, including evidence to support the restriction and demonstrate why it is reasonable and necessary.

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 50, chapter 5, part 2, and the provisions of Title 50, chapter 5, part 2, apply to [section 1].

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