

Section 2. The committee may also engage in long-term planning to assure safe and economical management of radioactive material transportation on a continuing basis.

Section 3. To the extent practicable, the committee shall coordinate its activities with those of other organizations.

ARTICLE V—Eligible Parties and Effective Date

Section 1. The states of Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington and Wyoming are eligible to become a party to this agreement. As to any eligible party, this agreement shall become effective upon enactment into law by that party, but it shall not become initially effective until enacted into law by two states. Any party state may withdraw from this agreement by enacting a statute repealing its approval.

Section 2. After the agreement has initially taken effect under section 1 of this article, any eligible party state may become a party to this agreement by the execution of an executive order by the governor of the state. Any state which becomes a party in this manner shall cease to be a party upon the final adjournment of the next general or regular session of its legislature or July 1, 1988, whichever occurs first, unless the agreement has by then been enacted as a statute by that state.

ARTICLE VI—Severability

If any provision of this agreement, or its application to any person or circumstance, is held to be invalid, all other provisions of this agreement, and the application of all of its provisions to all other persons and circumstances, shall remain valid; and to this end the provisions of this agreement are severable. [I.C., § 39-3029, as added by 1987, ch. 57, § 1, p. 101.]

Compiler's notes. The words enclosed in parentheses so appeared in the law as enacted.

Section 2 of S.L. 1987, ch. 57 declared an emergency. Approved March 18, 1987.

39-3030. [Amended and Redesignated.]

Compiler's notes. This section was amended and redesignated as § 56-1044 pursuant to S.L. 2001, ch. 110, § 36.

CHAPTER 31

REGIONAL MENTAL HEALTH SERVICES

SECTION.

- 39-3101 — 39-3122. [Repealed.]
- 39-3123. Declaration of policy.
- 39-3124. Designation of state mental health authority.
- 39-3125. Designation of regions for comprehensive mental health services.

SECTION.

- 39-3126. Reciprocal agreements between states to share services.
- 39-3127. Services to be offered.
- 39-3128. Establishment of services in region.
- 39-3129. Petition for regional services.

SECTION.	SECTION.
39-3130. Regional mental health advisory board — Members.	39-3135. Facilities for mental health services.
39-3131. Term — Vacancies — Compensation.	39-3136. Funds.
39-3132. Duties.	39-3137. Services to be nondiscriminatory — Fees.
39-3133. Director of division of mental health — Duties.	39-3138. Existing state-county contracts for services.
39-3134. Coordination of services between regions and state.	39-3139. Title of act.

39-3101 — 39-3122. Establishment and operation of community mental health centers. [Repealed.]

Compiler's notes. These sections, which comprised S.L. 1965, ch. 183, §§ 1-24, were repealed by S.L. 1969, ch. 202, § 19.

39-3123. Declaration of policy. — It has been the policy of this state to provide treatment services for her citizens afflicted by mental illnesses. These illnesses cause both intense human suffering to children and adults and severe social and economic loss to the state. Regional mental health services, providing early and appropriate treatment, have proven to be valuable in the prevention of long-term, incapacitating mental illnesses and commitment of the patient to a state mental hospital. Acknowledging that it is the policy of the state to provide mental hospital services to all citizens in need of such care, it is the purpose of this act to delegate to the state mental health authority the responsibility and authority to establish and maintain regional comprehensive mental health services in order to extend appropriate mental health services to her citizens within all regions of the state. [1969, ch. 202, § 1, p. 589.]

Compiler's notes. The words "this act" refer to S.L. 1969, ch. 202 which is compiled as §§ 39-3123 — 39-3139.

Cited in: St. Joseph Reg'l Med. Ctr. v. Nez Perce County Comm'rs, 134 Idaho 486, 5 P.3d 466 (2000).

Creation of Legal Interest.

This section and § 39-3125 of the Regional Mental Health Services Act do not establish

absolutely a legal right, privilege or other legal interest in any particular type of treatment for any individual. Maresh v. State, 132 Idaho 14, 970 P.2d 14 (1998).

39-3124. Designation of state mental health authority. — The Idaho department of health and welfare is hereby designated the state mental health authority. [1969, ch. 202, § 2, p. 589; am. 1973, ch. 87, § 9, p. 137; am. 1974, ch. 23, § 147, p. 633.]

Compiler's notes. Section 3 of S.L. 1973, ch. 87 is compiled as § 39-104, §§ 4-8 were repealed, § 10 contained a temporary provision, and § 11 was repealed.

Sections 146 and 148 of S.L. 1974, ch. 23 are compiled as §§ 39-3019 and 39-3133.

Section 12 of S.L. 1973, ch. 87 read: "If any provision, section or clause of this act or application thereof to any person or circum-

stances is held invalid, such invalidity shall not affect other provisions or applications thereof which can be given effect without the invalid provision, section, or clause, and to this end, the provisions of this act are declared to be severable."

Section 13 of S.L. 1973, ch. 87 declared an emergency and provided the act should take effect on and after March 31, 1973.

39-3125. Designation of regions for comprehensive mental health services. — Recognizing both the right of every citizen to the best mental health services that the state is able to provide and the disproportionate ability of counties to finance mental health services, the state mental health authority shall designate regions for the purpose of establishing regional comprehensive mental health services for all areas of the state. In the establishment of regions, primary consideration will be given to natural population groupings and trading areas, the regions previously designated for the establishment of other health services, the mental health needs of the people within the proposed regions, and the appropriate maximal use of available funding. [1969, ch. 202, § 3, p. 589.]

Creation of Legal Interest.

Section 39-3123 and this section of the Regional Mental Health Services Act do not establish absolutely a legal right, privilege or

other legal interest in any particular type of treatment for any individual. *Maresh v. State*, 132 Idaho 14, 970 P.2d 14 (1998).

39-3126. Reciprocal agreements between states to share services. — In such regions where natural population groupings overlap state boundaries, a regional comprehensive mental health service may be established jointly with a neighboring state or states. In such instances, the state mental health authority may enter into reciprocal agreements with these states to either share the expenses of the service in proportion to the population served; to allow neighboring states to buy services from Idaho; or to allow Idaho to purchase services that are otherwise not available to her citizens. [1969, ch. 202, § 4, p. 589.]

39-3127. Services to be offered. — A regional mental health service shall include one (1) or more of the services leading to the establishment of a regional comprehensive mental health center. A comprehensive mental health center may include such services as:

- (1) Short-term hospitalization for psychiatric treatment in an approved medical facility within the region;
- (2) Partial hospitalization;
- (3) Outpatient diagnosis and treatment;
- (4) 24-hour emergency psychiatric services;
- (5) Community consultation and education;
- (6) Diagnostic services for other agencies;
- (7) Rehabilitative services;
- (8) Precare and postcare services in cooperation with a state mental hospital;
- (9) Training of mental health personnel;
- (10) Research and evaluation. [1969, ch. 202, § 5, p. 589.]

Availability of Services.

There is no requirement that any particular service be provided to any individual, nor that

every service must be available to every applicant. *Maresh v. State*, 132 Idaho 14, 970 P.2d 14 (1998).

39-3128. Establishment of services in each region. — The state mental health authority shall be responsible for the establishment of

comprehensive mental health services in each designated region as rapidly as financial resources and availability of professional staff permit. [1969, ch. 202, § 6, p. 589.]

Cross ref. Idaho health planning act,
§ 39-4901 — 39-4904.

39-3129. Petition for regional services. — Petition for regional mental health services may be made to the state mental health authority. The petition may be submitted by units of government within the region, by public and private agencies or professional associations serving within the region, or by a private, nonprofit corporation formed by citizens of that region for the purpose of planning for, petitioning for and securing mental health services for that region. The petition shall contain: (1) an identification of the petitioning group or groups; (2) a statement of the mental health needs of the region; (3) an outline of the planning for mental health services already accomplished in the region; and (4) a list of twenty (20) names of citizens of the region for nomination to the regional mental health advisory board. [1969, ch. 202, § 7, p. 589.]

39-3130. Regional mental health advisory board — Members. — The state mental health authority shall appoint a regional mental health advisory board for each region consisting of not less than nine (9) and not more than fifteen (15) members who shall be qualified electors and who shall be representative of the population within the region. [1969, ch. 202, § 8, p. 589.]

39-3131. Term — Vacancies — Compensation. — The term of each member of the advisory board shall be for four (4) years; provided, however, that of the members first appointed, one-third (1/3) from each region shall be appointed for a term of two (2) years; one-third (1/3) for a term of three (3) years; and one-third (1/3) for a term of four (4) years. Vacancies shall be filled for the unexpired term in the same manner as original appointments. Board members shall be compensated as provided by section 59-509(b), Idaho Code, and such compensation shall be paid from the operating budget of the regional mental health service. [1969, ch. 202, § 9, p. 589; am. 1980, ch. 247, § 38, p. 582.]

Compiler's notes. Sections 37 and 39 of S.L. 1980, ch. 247 are compiled as §§ 39-3004 and 39-4106, respectively.

39-3132. Duties. — The duties of the regional mental health advisory board shall be:

- (1) To advise the division of mental health on local mental health needs within the region;
- (2) To assist in the formulation of an operating policy for the regional service;
- (3) To interpret the regional mental health services to the citizens and agencies of the region;

(4) To advise the state mental health authority of the progress, problems and proposed projects of the regional service. [1969, ch. 202, § 10, p. 589.]

39-3133. Director of division of mental health — Duties. — The director of the department of health and welfare shall appoint and supervise the directors of each regional mental health service and shall supervise its program; shall prescribe uniform standards of treatment and care provided by each regional service; shall set the professional qualifications for staff positions; and make such other rules as are necessary and proper to carry out the purposes and intent of this act. [1969, ch. 202, § 11, p. 589; am. 1974, ch. 23, § 148, p. 633.]

Compiler's notes. For words "this act," see Section 147 of S.L. 1974, ch. 23 is compiled as § 39-3123. as § 39-3124.

39-3134. Coordination of services between regions and state. — The director of the department of health and welfare shall establish the areas of coordination between the regional comprehensive mental health services and the state mental hospital services. [1969, ch. 202, § 12, p. 589; am. 1974, ch. 23, § 149, p. 633.]

Compiler's notes. Sections 150 through 152 of S.L. 1974, ch. 23 were repealed, and § 153 is compiled as § 39-3601. Section 182 of S.L. 1974, ch. 23 provided the act should be in full force and effect on and after July 1, 1974.

39-3135. Facilities for mental health services. — The state mental health authority may contract for the lease of facilities appropriate for the establishment of comprehensive mental health services. In order to encourage the development of comprehensive health care and whenever feasible and consistent with comprehensive mental health treatment, these facilities shall be in or near facilities within the region housing other health services. The state mental health authority may, when necessary, contract with public or private agencies for the construction of appropriate facilities when approved by the advisory council for the construction of community mental health centers. [1969, ch. 202, § 13, p. 589.]

39-3136. Funds. — The financial support for the regional mental health services shall be furnished by state appropriations and by whatever federal funds are available in an identifiable section within the mental health program budget. Mental health services which are financed or contracted by local or federal sources may be incorporated into the regional mental health services subject to the approval of the state mental health authority. [1969, ch. 202, § 14, p. 589.]

39-3137. Services to be nondiscriminatory — Fees. — No regional mental health service shall refuse service to any person because of race, color or religion or because of ability or inability to pay. Persons receiving services will be charged fees in keeping with a fee schedule prepared by the state mental health authority. Fees collected shall become part of the

ing budget and may be utilized by direction of the state mental health
 city. [1969, ch. 202, § 15, p. 589.]

3138. Existing state-county contracts for services. — No section
 in act shall invalidate, or prohibit the continuance of, existing state-
 county contracts for the delivery of mental health services within the
 participating counties. [1969, ch. 202, § 16, p. 589.]

Compiler's notes. For words "this act," see
 Compiler's notes, § 39-3123.

3139. Title of act. — This act may be cited as the "Regional Mental
 Health Services Act." [1969, ch. 202, § 17, p. 589.]

Compiler's notes. For words "this act," see
 Compiler's notes, § 39-3123.
 Section 19 of S.L. 1969, ch. 202 repealed
 39-3101 — 39-3122.
 Section 18 of S.L. 1969, ch. 202 contains a
 separability clause which reads: "The provi-
 sions of this act are hereby declared to be
 severable and if any provision of this act or

the application of such provision to any per-
 son or circumstance is declared invalid for
 any reason, such declaration shall not affect
 the validity of remaining portions of this act."
 Section 20 of S.L. 1969, ch. 202 provided the
 act should take effect from and after July 1,
 1969.

CHAPTER 32

BUILDING FACILITIES FOR PHYSICALLY HANDICAPPED

SECTION.
 39-3201 — 39-3210. [Repealed.]

**39-3201 — 39-3210. Public buildings to be made accessible to the
 physically handicapped — Definitions — Standards —
 Applicability — Exception — Responsibility for ad-
 ministration and enforcement of act — Rules and
 regulations — Construction permits — Administra-
 tor's approval — Elevators — Other special facilities
 — Physically handicapped symbol — Failure to obtain
 approval — Misdemeanor — Penalty. [Repealed.]**

Compiler's notes. These sections, which
 comprised S.L. 1974, ch. 178, § 2, p. 1467,
 were repealed by S.L. 2002, ch. 345, § 1,
 effective July 1, 2002.
 Former § 39-3201, which comprised 1967,
 ch. 5, § 1, was repealed by S.L. 1974, ch. 178,
 § 1.
 Former § 39-3202, which comprised 1967,
 ch. 5, § 2, was repealed by S.L. 1974, ch. 178,
 § 1.

CHAPTER 33

IDAHO BOARD AND CARE ACT

SECTION.
 39-3301. Legislative intent and declaration.
 39-3302. Definitions.
 39-3303. Payment levels.
 39-3304. Types of facilities.
 39-3305. Rules.

SECTION.
 39-3306. State licensing to supersede local
 regulation.
 39-3307. Admissions.
 39-3308. Assessment.
 39-3309. Negotiated service agreement.