

Unofficial Draft Copy

As of: August 13, 2018 (3:54pm)

LCCF3b

**** Bill No. ****

Introduced By *****

By Request of the *****

A Bill for an Act entitled: "An Act establishing requirements for reimbursement of certain community developmental disabilities services; and providing an immediate effective date."

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 53-20-205, MCA, is amended to read:

"53-20-205. Community services. (1) The department may establish and administer community comprehensive services, programs, clinics, or other facilities throughout the state for the purpose of aiding in the prevention, diagnosis, amelioration, or treatment of developmental disabilities. Programs, clinics, or other services may be provided directly by state agencies or indirectly through contract or cooperative arrangements with other agencies of government, regional or local, private or public agencies, private professional persons, or accredited health or long-term care facilities.

(2) The department may contract for programs for developmental disabilities services. Contracts entered into by the department must contain specific conditions for performance by the contractor. The department shall set minimum standards for programs and establish appropriate qualifications for persons employed in the programs.

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(3) (a) Upon approval from the centers for medicare and medicaid services, the department shall use a daily or monthly rate to reimburse:

(i) residential habilitation services; and

(ii) nonresidential congregate services as appropriate.

(b) The rate must include options for additional payments based on the level of need of the individuals receiving services.

(c) For the purposes of this subsection (3):

(i) "daily rate" means reimbursement for services provided for any period from 12:00 a.m. to 11:59 p.m.; and

(ii) "monthly rate" means a fixed amount provided on a monthly basis for care provided to a person enrolled in a service that month.

~~(3)~~(4) All developmental disabilities facilities and services must comply with existing federal guidelines and with requirements that will enable the services and facilities to qualify for available aid funds. However, this section does not require facilities serving persons with developmental disabilities to meet the same or equal standards as licensed medical facilities unless the developmental disabilities facility is providing professional or skilled medical care.

~~(4)~~(5) Comprehensive services, programs, clinics, or other facilities established or provided by the department under this part must conform as nearly as possible to the plans of the council created under 2-15-1869.

~~(5)~~(6) The department may promote scientific and medical research investigations relative to the incidence, cause,

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prevention, and care of persons with developmental disabilities."

{*Internal References to 53-20-205:
53-20-203x*}

NEW SECTION. **Section 2. Direction to the department.** The department of public health and human services shall apply by October 1, 2019, for an amendment to the 0208 comprehensive home and community-based services waiver for individuals with developmental disabilities to allow for the use of a daily or monthly rate for reimbursement of community developmental disability services as provided in [this act]. The department shall implement the amended reimbursement rate within 90 days of receiving approval from the centers for medicare and medicaid services.

NEW SECTION. **Section 3. {standard} Effective date.** [This act] is effective on passage and approval.

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