| 1 | SENATE BILL NO. 118 |
| 2 | INTRODUCED BY COBB, LIND, WEINBERG |

3

4   A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE JUNE 30, 2007, TERMINATION DATE FOR THE

5   HOSPITAL FACILITY UTILIZATION FEE; SETTING NEW FEE PROVISIONS; UPDATING A DEFINITIONAL

6   CITE; AMENDING SECTIONS 15-66-101, 15-66-102, AND 15-66-201, MCA; REPEALING, AND SECTION 20,

7   CHAPTER 390, LAWS OF 2003, AND SECTIONS 4 AND 7, CHAPTER 606, LAWS OF 2005; AND PROVIDING

8   AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

9

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

11

12   **Section 1.** Section 15-66-101, MCA, is amended to read:

13   **"15-66-101. (Temporary) Definitions.** For purposes of this chapter, the following definitions apply:

14   (1) (a) "Hospital" means a facility licensed as a hospital pursuant to Title 50, chapter 5, and includes a

15   critical access hospital.

16   (b) The term does not include Montana state hospital.

17   (2) (a) "Inpatient bed day" means a day of inpatient care provided to a patient in a hospital. A day begins

18   at midnight and ends 24 hours later. A part of a day, including the day of admission, counts as a full day. The day

19   of discharge or death is not counted as a day. If admission and discharge or death occur on the same day, the

20   day is considered a day of admission and is counted as one inpatient bed day. Inpatient bed days include all

21   inpatient hospital benefit days as defined for medicare reporting purposes in section 216 20.1 of chapter 3 of the

22   centers for medicaid and medicare and medicaid services publication 10 100-02, the Hospital Medicare Benefit

23   Policy Manual. Inpatient bed days also include all nursery days during which a newborn infant receives care in

24   a nursery.

25   (b) The term does not include observation days or days of care in a swing bed, as defined in 50-5-101.

26   (3) "Patient" means an individual obtaining skilled medical and nursing services in a hospital. The term

27   includes newborn infants.

28   (4) "Report" means the report of inpatient bed days required in 15-66-201.

29   (5) "Utilization fee" or "fee" means the fee required to be paid for each inpatient bed day, as provided

30   in 15-66-102. (Void on occurrence of contingency--sec. 18, Ch. 390, L. 2003. Terminates June 30, 2007--secs.

1   ~~4, 7, Ch. 606, L. 2005.~~)"

2

3   **Section 2.** Section 15-66-102, MCA, is amended to read:

4   **"15-66-102. (Temporary) Utilization fee for inpatient bed days.** (1) Each hospital in the state shall

5   pay to the department a utilization fee:

6   (a) in the amount of ~~$19.43~~ $27.70 for each inpatient bed day between January 1, ~~2004~~ 2006, and June

7   30, ~~2005~~ 2007;

8   (b) in the amount of ~~$29.75~~ $47 for each inpatient bed day between July 1, ~~2005~~ 2007, and December

9   31, ~~2005~~ 2007;

10   (c) in the amount of ~~$27.70~~ $43 for each inpatient bed day between January 1, ~~2006~~ 2008, and

11   December 31, ~~2006~~ 2008; AND

12   (d) in the amount of $48 for each inpatient bed day ~~between~~ BEGINNING January 1, 2009~~, and December~~

13   ~~31, 2009; and~~

14   ~~(d)~~(e) after ~~beginning~~ January 1, ~~2007~~ 2010, in an amount determined by rule as provided in subsection

15   ~~(2) in the amount of $50 for each inpatient bed day~~.

16   ~~(2) Prior to each calendar year that will be subject to the fee, the department by rule shall determine the~~

17   ~~amount of the fee, not to exceed $50, based upon:~~

18   ~~(a) an estimate of the unpaid medicaid hospital costs, total inpatient days, and the federal medical~~

19   ~~assistance percentages;~~

20   ~~(b) an estimate of any federal limit on federal financial participation for hospital services; and~~

21   ~~(c) an estimate of federal disproportionate share funds not matched by state general funds.~~

22   ~~(3)~~(2) ~~(a)~~ All proceeds from the collection of utilization fees, including penalties and interest, must be

23   deposited to the credit of the department of public health and human services in a state special revenue account

24   as provided in 53-6-149.

25   ~~(b) A hospital may not place a fee created in this chapter on a patient's bill.~~ (Void on occurrence of

26   contingency--sec. 18, Ch. 390, L. 2003. ~~Terminates June 30, 2007--secs. 4, 7, Ch. 606, L. 2005.~~)"

27

28   **Section 3.** Section 15-66-201, MCA, is amended to read:

29   **"15-66-201. (Temporary) Reporting and collection of fee.** ~~(1) On or before January 31, 2006, a~~

30   ~~hospital shall file with the department an annual report of the number of inpatient bed days in the hospital during~~

1   ~~each of the 6-month periods beginning January 1, 2005, and ending June 30, 2005, and beginning July 1, 2005,~~

2   ~~and ending December 31, 2005. The report must be in the form prescribed by the department. The report must~~

3   ~~be accompanied by a payment in an amount equal to the appropriate fee required to be paid under 15-66-102.~~

4   ~~(2) (a)~~(1) ~~Except as provided in subsection (1), on~~ On or before January 31 of each year, a hospital shall

5   file with the department an annual report of the number of inpatient bed days during the preceding year beginning

6   January 1 and ending December 31. The report must be in the form prescribed by the department. The report

7   must be accompanied by a payment in an amount equal to the fee required to be paid under 15-66-102.

8   ~~(b)~~(2) On or before January 31 of each year, the department of public health and human services shall

9   provide the department with a list of hospitals licensed and operating in the state during the preceding year

10   beginning January 1 and ending December 31. (Void on occurrence of contingency--sec. 18, Ch. 390, L. 2003.

11   ~~Terminates June 30, 2007--secs. 4, 7, Ch. 606, L. 2005.~~)"

12

13   ────── NEW SECTION. **Section 4. Repealer.** ~~Section 20, Chapter 390, Laws of 2003, and sections 4 and 7,~~

14   ~~Chapter 606, Laws of 2005, are repealed.~~

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16   ────── NEW SECTION. ~~**Section 5. Contingent voidness.** If House Bill No. 808 is not passed and approved,~~

17   ~~then [this act] is void.~~

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19   **Section 4.** Section 20, Chapter 390, Laws of 2003, is amended to read:

20   "**Section 20. Termination.** [This act] terminates June 30, ~~2005~~ 2009."

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22   **Section 5.** Section 4, Chapter 606, Laws of 2005, is amended to read:

23   "**Section 4.** Section 20, Chapter 390, Laws of 2003, is amended to read:

24   "**Section 20. Termination.** [This act] terminates June 30, ~~2005~~ ~~2007~~ 2009.""

25

26   **Section 6.** Section 7, Chapter 606, Laws of 2005, is amended to read:

27   "**Section 7. Termination.** [This act] terminates June 30, ~~2007~~ 2009."

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29   NEW SECTION. **Section 7. Effective date.** [This act] is effective on passage and approval.

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1   NEW SECTION. **SECTION 8. TERMINATION.** [SECTIONS 1 THROUGH 3] TERMINATE JUNE 30, 2009.

2   - END -