

1 SENATE JOINT RESOLUTION NO. 27

2 INTRODUCED BY M. CAFERRO

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4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
5 MONTANA REQUESTING AN INTERIM STUDY OF A MEDICAID WAIVER FOR SERVICES PROVIDED TO
6 CHILDREN WITH DEVELOPMENTAL DISABILITIES.

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8 WHEREAS, providers of Medicaid-funded home and community-based services for children with
9 developmental disabilities have operated individualized, accountable, and fiscally efficient services through a
10 Medicaid waiver since 1985; and

11 WHEREAS, these services prevent the need for more restrictive and more costly out-of-home care for
12 children with developmental disabilities; and

13 WHEREAS, community service providers use a model of service that includes parents and legal
14 guardians as primary decisionmakers regarding the care and services provided to their children and that allows
15 other stakeholders to be involved in delivering individualized, flexible services designed to meet the dynamic
16 needs of children and families in their home and community environments; and

17 WHEREAS, community service providers employ professional, certified, and qualified staff members who
18 use the latest evidenced-based intervention strategies and have received highly specialized training in early
19 intervention techniques and in human development; and

20 WHEREAS, the Medicaid waiver used to provide services to children is primarily designed for adults living
21 in 24-hour residential settings; and

22 WHEREAS, the model for adult services requires documentation and quality assurance measures that
23 are time-intensive and more costly than needed for family-based services for children, resulting in significant
24 administrative costs for those services; and

25 WHEREAS, the current Medicaid waiver creates an entitlement for services that requires that the needs
26 of all individuals in the waiver program be met; and

27 WHEREAS, little opportunity exists for adults who are on the waiting list for the waiver program to be
28 accepted into the program because children automatically move into the adult system when they turn 18 years
29 of age; and

30 WHEREAS, the existing Medicaid waiver for services to people with developmental disabilities comes

1 up for reauthorization in 2013, providing the state with an opportunity to develop a new waiver program for
2 children's services that may allow for more creativity in the services provided and may be flexible enough to meet
3 varying needs of children and families.

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5 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
6 STATE OF MONTANA:

7 That the Legislative Council be requested to designate an appropriate interim committee, pursuant to
8 section 5-5-217, MCA, to review the opportunities that exist for creating a Medicaid waiver specific to services
9 for children with developmental disabilities.

10 BE IT FURTHER RESOLVED, that the study examine:

11 (1) the ways in which a medicaid waiver for children with developmental disabilities may allow both the
12 state and the providers of home and community-based services to provide services more efficiently;

13 (2) the ways in which administrative costs may be affected by offering services through a waiver specific
14 to children;

15 (3) whether a waiver for children would give the state and the providers of home and community-based
16 services more flexibility in the delivery of services and in controlling costs; and

17 (4) the steps that may need to be taken if the study finds that an application for a developmental
18 disabilities waiver for children would benefit not only the state but also the children and families served by a
19 waiver program.

20 BE IT FURTHER RESOLVED, that the committee request participation in the study by the Department
21 of Public Health and Human Services, the Office of Public Instruction, providers of home and community-based
22 services for children, family members of children with developmental disabilities, and other interested parties as
23 determined by the committee.

24 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
25 requirements, be concluded prior to September 15, 2012.

26 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
27 comments, or recommendations of the appropriate committee, be reported to the 63rd Legislature.

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