

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING CERTAIN MEDICAID PROVISIONS OF PUBLIC
7 LAW 111-148 AND PUBLIC LAW 111-152; ESTABLISHING ELIGIBILITY CRITERIA; CREATING A SPECIAL
8 REVENUE ACCOUNT; PROVIDING A STATUTORY APPROPRIATION AND AN APPROPRIATION;
9 AMENDING SECTIONS 17-7-502, 53-6-131, 53-6-132, AND 53-6-133, MCA; AND PROVIDING EFFECTIVE
10 DATES."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13
14 **NEW SECTION. Section 1. Medicaid eligibility expansion account -- statutory appropriation. (1)**

15 There is an account in the federal special revenue fund for the purposes of expanding medicaid eligibility to
16 individuals eligible under 42 U.S.C. 1396a(a)(10)(A)(i)(VIII) as authorized by Public Law 111-148 and Public Law
17 111-152.

18 (2) Federal funds received for the increased federal medical assistance percentage for medical
19 assistance for newly eligible mandatory individuals, as provided for in 42 U.S.C. 1396d(y), must be deposited in
20 the account.

21 (3) Money in the account is statutorily appropriated to the department, as provided in 17-7-502, to be
22 used for costs related to expanding the medicaid program to individuals who meet the eligibility requirements of
23 53-6-131(1)(h).

24
25 **Section 2.** Section 17-7-502, MCA, is amended to read:

26 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
27 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the
28 need for a biennial legislative appropriation or budget amendment.

29 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both
30 of the following provisions:



1 (a) The law containing the statutory authority must be listed in subsection (3).

2 (b) The law or portion of the law making a statutory appropriation must specifically state that a statutory
3 appropriation is made as provided in this section.

4 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120;
5 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312;
6 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121;
7 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101;
8 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506;
9 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-4-105; 23-5-306;
10 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-51-501; 39-71-503; 41-5-2011; 42-2-105;
11 44-4-1101; 44-12-206; 44-13-102; 50-4-623; 53-1-109; [section 1]; 53-9-113; 53-24-108; 53-24-206; 60-11-115;
12 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-416; 77-1-108; 77-2-362; 80-2-222;
13 80-4-416; 80-11-518; 81-1-112; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; 87-1-230; 87-1-603;
14 87-1-621; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

15 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
16 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
17 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana
18 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state
19 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory
20 appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion
21 of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is
22 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and sec. 2, Ch.
23 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 17, Ch. 593, L. 2005, and
24 sec. 1, Ch. 186, L. 2009, the inclusion of 15-31-906 terminates January 1, 2015; pursuant to sec. 73, Ch. 44, L.
25 2007, the inclusion of 19-6-410 terminates upon the death of the last recipient eligible under 19-6-709(2) for the
26 supplemental benefit provided by 19-6-709; pursuant to sec. 8, Ch. 330, L. 2009, the inclusion of 87-1-621
27 terminates June 30, 2013; pursuant to sec. 14, Ch. 374, L. 2009, the inclusion of 53-9-113 terminates June 30,
28 2015; pursuant to sec. 8, Ch. 427, L. 2009, the inclusion of 87-1-230 terminates June 30, 2013; pursuant to sec.
29 5, Ch. 442, L. 2009, the inclusion of 90-6-331 terminates June 30, 2019; pursuant to sec. 47, Ch. 19, L. 2011,
30 the inclusion of 87-1-621 terminates June 30, 2013; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of

1 30-10-1004 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates
2 June 30, 2019; and pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates
3 June 30, 2017.)"

4

5 **Section 3.** Section 53-6-131, MCA, is amended to read:

6 **"53-6-131. Eligibility requirements.** (1) Medical assistance under the Montana medicaid program may
7 be granted to a person who is determined by the department of public health and human services, in its
8 discretion, to be eligible as follows:

9 (a) The person receives or is considered to be receiving supplemental security income benefits under
10 Title XVI of the Social Security Act, 42 U.S.C. 1381, et seq., and does not have income or resources in excess
11 of the applicable medical assistance limits.

12 (b) The person would be eligible for assistance under the program described in subsection (1)(a) if that
13 person were to apply for that assistance.

14 (c) The person is in a medical facility that is a medicaid provider and, but for residence in the facility, the
15 person would be receiving assistance under the program in subsection (1)(a).

16 (d) The person is under 21 years of age and in foster care under the supervision of the state or was in
17 foster care under the supervision of the state and has been adopted as a child with special needs.

18 (e) The person meets the nonfinancial criteria of the categories in subsections (1)(a) through (1)(d) and:

19 (i) the person's income does not exceed the income level specified for federally aided categories of
20 assistance and the person's resources are within the resource standards of the federal supplemental security
21 income program; or

22 (ii) the person, while having income greater than the medically needy income level specified for federally
23 aided categories of assistance:

24 (A) has an adjusted income level, after incurring medical expenses, that does not exceed the medically
25 needy income level specified for federally aided categories of assistance or, alternatively, has paid in cash to the
26 department the amount by which the person's income exceeds the medically needy income level specified for
27 federally aided categories of assistance; and

28 (B) (I) in the case of a person who meets the nonfinancial criteria for medical assistance because the
29 person is aged, blind, or disabled, has resources that do not exceed the resource standards of the federal
30 supplemental security income program; or

1 (II) in the case of a person who meets the nonfinancial criteria for medical assistance because the person
2 is pregnant, is an infant or child, or is the caretaker of an infant or child, has resources that do not exceed the
3 resource standards adopted by the department.

4 (f) The person is a qualified pregnant woman or a child as defined in 42 U.S.C. 1396d(n).

5 (g) The person is under 19 years of age and lives with a family having a combined income that does not
6 exceed 185% of the federal poverty level. The department may establish lower income levels to the extent
7 necessary to maximize federal matching funds provided for in 53-4-1104.

8 (h) The person meets the eligibility requirements of 42 U.S.C. 1396a(a)(10)(A)(i)(VIII) as enacted by
9 Public Law 111-148, Public Law 111-152, and federal regulations implementing those laws.

10 (2) The department may establish income and resource limitations. Limitations of income and resources
11 must be within the amounts permitted by federal law for the medicaid program. Any otherwise applicable eligibility
12 resource test prescribed by the department does not apply to enrollees in the healthy Montana kids plan provided
13 for in 53-4-1104.

14 (3) The Montana medicaid program shall pay, as required by federal law, the premiums necessary for
15 medicaid-eligible persons participating in the medicare program and may, within the discretion of the department,
16 pay all or a portion of the medicare premiums, deductibles, and coinsurance for a qualified medicare-eligible
17 person or for a qualified disabled and working individual, as defined in section 6408(d)(2) of the federal Omnibus
18 Budget Reconciliation Act of 1989, Public Law 101-239, who:

19 (a) has income that does not exceed income standards as may be required by the Social Security Act;
20 and

21 (b) has resources that do not exceed standards that the department determines reasonable for purposes
22 of the program.

23 (4) The department may pay a medicaid-eligible person's expenses for premiums, coinsurance, and
24 similar costs for health insurance or other available health coverage, as provided in 42 U.S.C. 1396b(a)(1).

25 (5) In accordance with waivers of federal law that are granted by the secretary of the U.S. department
26 of health and human services, the department of public health and human services may grant eligibility for basic
27 medicaid benefits as described in 53-6-101 to an individual receiving section 1931 medicaid benefits, as defined
28 in 53-4-602, as the specified caretaker relative of a dependent child under the section 1931 medicaid program.
29 A recipient who is pregnant, meets the criteria for disability provided in Title II of the Social Security Act, 42 U.S.C.
30 416, et seq., or is less than 21 years of age is entitled to full medicaid coverage, as provided in 53-6-101.

1 (6) The department, under the Montana medicaid program, may provide, if a waiver is not available from
2 the federal government, medicaid and other assistance mandated by Title XIX of the Social Security Act, 42
3 U.S.C. 1396, et seq., as may be amended, and not specifically listed in this part to categories of persons that may
4 be designated by the act for receipt of assistance.

5 (7) Notwithstanding any other provision of this chapter, medical assistance must be provided to infants
6 and pregnant women whose family income does not exceed income standards adopted by the department that
7 comply with the requirements of 42 U.S.C. 1396a(l)(2)(A)(i) and whose family resources do not exceed standards
8 that the department determines reasonable for purposes of the program.

9 (8) Subject to appropriations, the department may cooperate with and make grants to a nonprofit
10 corporation that uses donated funds to provide basic preventive and primary health care medical benefits to
11 children whose families are ineligible for the Montana medicaid program and who are ineligible for any other
12 health care coverage, are under 19 years of age, and are enrolled in school if of school age.

13 (9) A person described in subsection (7) must be provided continuous eligibility for medical assistance,
14 as authorized in 42 U.S.C. 1396a(e)(5) through a(e)(7).

15 (10) Full medical assistance under the Montana medicaid program may be granted to an individual during
16 the period in which the individual requires treatment of breast or cervical cancer, or both, or of a precancerous
17 condition of the breast or cervix, if the individual:

18 (a) has been screened for breast and cervical cancer under the Montana breast and cervical health
19 program funded by the centers for disease control and prevention program established under Title XV of the
20 Public Health Service Act, 42 U.S.C. 300k, or in accordance with federal requirements;

21 (b) needs treatment for breast or cervical cancer, or both, or a precancerous condition of the breast or
22 cervix;

23 (c) is not otherwise covered under creditable coverage, as provided by federal law or regulation;

24 (d) is not eligible for medical assistance under any mandatory categorically needy eligibility group; and

25 (e) has not attained 65 years of age.

26 (11) Subject to the limitation in 53-6-195, the department shall provide medicaid coverage to workers with
27 disabilities as provided in 53-6-195 and in accordance with 42 U.S.C. 1396a(a)(10)(A)(ii)(XIII) and (r)(2) and 42
28 U.S.C. 1396o.

29 (12) The department may establish medicaid eligibility consistent with the modified adjusted gross income
30 criteria allowed by federal regulations."

1	Fiscal Year 2014	\$1,892,342	\$7,650,571
2	Fiscal Year 2015	\$3,107,521	\$12,580,139

3

4 NEW SECTION. Section 7. Codification instruction. [Section 1] is intended to be codified as an
5 integral part of Title 53, chapter 6, part 1, and the provisions of Title 53, chapter 6, part 1, apply to [section 1].

6

7 NEW SECTION. Section 8. Severability. If a part of [this act] is invalid, all valid parts that are severable
8 from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part
9 remains in effect in all valid applications that are severable from the invalid applications.

10

11 NEW SECTION. Section 9. Effective dates. (1) Except as provided in subsection (2), [this act] is
12 effective October 1, 2013.

13 (2) [Sections 1, 2, and 6] and this section are effective July 1, 2013.

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