

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A DIRECTORY OF PROVIDERS OF PERSONAL
5 ASSISTANCE SERVICES THAT ARE FUNDED AS A MEDICAID STATE PLAN SERVICE; AND PROVIDING
6 THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES WITH RULEMAKING AUTHORITY TO
7 CREATE AND MAINTAIN THE DIRECTORY."

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

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11 **NEW SECTION. Section 1. Directory of providers of personal assistance services funded as**
12 **medicaid state plan service -- definition.** (1) The department shall create and maintain an electronic directory
13 of providers of personal assistance services that are funded as a medicaid state plan service. The directory must
14 describe the difference between agency and self-directed personal assistance services and provide guidance
15 on using the directory and selecting a provider.

16 (2) (a) The department shall include in the directory all known providers of personal assistance services
17 that are funded as a medicaid state plan service and shall encourage but may not require a provider to submit
18 the following information for inclusion in the directory:

19 (i) the total number of years the provider has been providing personal assistance services, the number
20 of years the provider has provided personal assistance services to medicaid enrollees, and whether the provider
21 offers agency or self-directed services, or both;

22 (ii) the number of direct-care workers available to work or working in each county served by the provider;

23 (iii) whether the provider conducts background checks on direct-care workers and the type of background
24 checks the provider uses;

25 (iv) the length of employment of direct-care workers;

26 (v) whether the provider offers health insurance or other benefits to direct-care workers;

27 (vi) the average wage of a direct-care worker;

28 (vii) whether direct-care workers are bonded or whether the provider has liability coverage; and

29 (viii) details regarding the ability of consumers to recruit, select, schedule, train, and, if necessary, dismiss
30 direct-care workers.



1 (b) A provider may provide for inclusion in the directory a statement of not more than 150 words
2 describing the provider's services.

3 (3) The department may exclude or remove a provider from the directory for misrepresentation of
4 information.

5 (4) The department may adopt rules necessary for the creation and maintenance of the directory,
6 including but not limited to requirements for:

7 (a) designing the directory;

8 (b) providing guidance to consumers on using the directory and selecting services; and

9 (c) submitting, verifying, correcting, and updating directory information.

10 (5) For the purposes of this section, "direct-care worker" means a person who is employed by a provider
11 of personal assistance services that are funded as a medicaid state plan service and who directly provides
12 personal assistance services to consumers.

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14 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
15 integral part of Title 53, chapter 6, part 1, and the provisions of Title 53, chapter 6, part 1, apply to [section 1].

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