

AN ACT ESTABLISHING THAT HOME AND COMMUNITY-BASED SERVICES MUST BE CONSIDERED IN TOTAL WHEN SERVICES ARE AUTHORIZED; CLARIFYING THAT EACH SERVICE ON ITS OWN DOES NOT HAVE TO PREVENT INSTITUTIONALIZATION; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Home and community-based services waivers -- legislative findings and intent. (1)

The legislature finds that home and community-based services allow individuals who would otherwise need an institutional level of care to remain in their homes and to better integrate into their communities.

- (2) The legislature further finds that home and community-based services offer a lower-cost alternative to institutional care.
- (3) The legislature further finds that waiver participants often need multiple services that individually may not prevent institutionalization but when provided as a package allow a person to remain in a home or community setting.
- (4) It is the intent of the legislature that in evaluating the services proposed for waiver participants, the department shall:
- (a) review whether the services and equipment recommended by medical professionals will collectively, not individually, prevent an individual from requiring an institutional level of care; and
- (b) approve each waiver service or item of medical equipment that will contribute to allowing a person to remain in a home or community setting even if the service or item on its own would not prevent an institutional level of care.

**Section 2.** Codification instruction. [Section 1] is intended to be codified as an integral part of Title 53, chapter 6, part 4, and the provisions of Title 53, chapter 6, part 4, apply to [section 1].



Section 3. Effective date. [This act] is effective July 1, 2021.

- END -



I hereby certify that the within bill,	
HB 38, originated in the House.	
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Chief Clerk of the House	
Speaker of the House	
Signed this	day
of	, 2021
President of the Senate	
Signed this	
of	, ∠∪∠1

## HOUSE BILL NO. 38

## INTRODUCED BY T. WELCH

BY REQUEST OF THE CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES INTERIM COMMITTEE

AN ACT ESTABLISHING THAT HOME AND COMMUNITY-BASED SERVICES MUST BE CONSIDERED IN TOTAL WHEN SERVICES ARE AUTHORIZED; CLARIFYING THAT EACH SERVICE ON ITS OWN DOES NOT HAVE TO PREVENT INSTITUTIONALIZATION; AND PROVIDING AN EFFECTIVE DATE.