

1 HOUSE BILL NO. 891
2 INTRODUCED BY J. CARLSON

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY TO PROVIDE ONE-TIME-ONLY
5 EMERGENCY STABILIZATION PAYMENTS TO NURSING HOMES IN FISCAL YEAR 2023; AND
6 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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8 WHEREAS, nursing homes care for frail, elderly Montanans who were disproportionately affected by
9 the COVID-19 pandemic; and

10 WHEREAS, nursing homes were disproportionately affected by the COVID-19 pandemic, losing
11 residents and staff and coping with unprecedented inflation, labor costs, and workforce challenges; and

12 WHEREAS, more than 60% of all nursing home residents rely on Medicaid to pay for their care; and

13 WHEREAS, nursing homes throughout the state have closed, leaving residents struggling to find a new
14 place to live and receive care and in many cases causing our most vulnerable seniors to move far from their
15 family, friends, and home community; and

16 WHEREAS, the State of Montana undertook a study of Medicaid rates, which confirmed that Medicaid
17 providers, including nursing homes, are seriously underpaid for their services; and

18 WHEREAS, Medicaid funding for nursing homes needs to increase to provide the resources needed as
19 identified in the study, to promote access to quality Medicaid-funded services, and to avoid additional nursing
20 home closures.

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

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24 **NEW SECTION. Section 1. Appropriation for supplemental payments to nursing homes. (1)**

25 There is appropriated ~~\$40,908,000~~ \$5,000,000 from the general fund to the department of public health and
26 human services for the fiscal year ending June 30, 2023, to make one-time-only emergency stabilization
27 payments as soon as possible and no later than June 15, 2023, to nursing homes that provide services to
28 medicaid recipients.



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2 ~~(2) The department shall calculate the emergency stabilization payment for each nursing home by:~~

3 ~~(a) determining the percentage of total medicaid bed days provided from July 1, 2022, through~~

4 ~~January 31, 2023, by each nursing home operating in the state at the time the payment is made ;~~

5 ~~(b) determining the percentage of total medicaid bed days that each of the nursing homes~~

6 ~~provided during the time period; and~~

7 ~~(c) paying each nursing home a percentage of the appropriation provided for in subsection (1) that~~

8 ~~is equal to the percentage of medicaid bed days the nursing home provided from July 1, 2022, through January~~

9 ~~31, 2023~~

10 (2) THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES SHALL PRIORITIZE PAYMENT PROVIDED

11 FOR IN SUBSECTION (1) AS FOLLOWS:

12 (A) TO NURSING HOMES THAT ARE MORE THAN 60 MILES FROM ANOTHER NURSING HOME;

13 (B) TO NURSING HOMES IN COMMUNITIES IN WHICH HOSPITALS HAVE A BACKLOG OF PATIENTS WHO

14 CANNOT TRANSITION TO A NURSING HOME BECAUSE OF ISSUES RELATED TO NURSING HOME CAPACITY; AND

15 (C) BY ANY OTHER CRITERIA IDENTIFIED BY THE DEPARTMENT.

16 (3) THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES MAY SELECT THE MOST APPROPRIATE

17 MEANS FOR DISTRIBUTING THE FUNDS, WHICH MAY INCLUDE BUT IS NOT LIMITED TO DIRECT ONE-TIME-ONLY PAYMENTS

18 OR INCREASED TEMPORARY RATES.

19 (4) THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES MAY ADDITIONALLY REQUIRE A NURSING

20 HOME WHO RECEIVES PAYMENTS PURSUANT TO THIS SECTION TO PARTICIPATE IN PROJECTS OR REPORTING REGARDING

21 CONTINUATION OF SERVICES AS A CONDITION OF RECEIVING THE FUNDS.

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23 NEW SECTION. Section 2. Direction to department of public health and human services. (4)

24 The legislature directs the department of public health and human services to file a timely state plan

25 amendment related to the nursing home emergency stabilization payments provided for in [section 1] and take

26 all other steps necessary to work with the centers for medicare and medicaid services to access federal

27 medicaid funds available to match any portion of the payments.

28 ~~(2) If federal funds become available, the legislature intends that the general fund appropriation be~~

1 ~~reduced by the amount of federal funds available.~~

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3 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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