

## HOUSE BILL NO. 743

INTRODUCED BY E. CLARK

BY REQUEST OF THE HOUSE JOINT APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING BED DAYS AT THE MONTANA MENTAL HEALTH NURSING CARE CENTER IN THE NURSING FACILITY UTILIZATION FEE; PROVIDING FOR THE DISPOSITION OF UTILIZATION FEES FROM THE MONTANA MENTAL HEALTH NURSING CARE CENTER; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 15-60-101 AND 15-60-210, MCA; AND PROVIDING AN EFFECTIVE DATE AND A CONTINGENT VOIDNESS PROVISION."

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

**Section 1.** Section 15-60-101, MCA, is amended to read:

**"15-60-101. (Temporary) Definitions.** For purposes of this chapter, unless the context requires otherwise, the following definitions apply:

(1) (a) "Bed day" means each 24-hour period that a resident of a nursing facility is present in the facility and receiving skilled nursing care or intermediate nursing care or in which a bed is held for a resident while the resident is on temporary leave from the facility.

(b) The term includes all periods of 24 hours described in subsection (1)(a), regardless of the source of payment. The term also includes the day of a resident's admission to a nursing facility and the day of the resident's death, even though the resident is present for less than a 24-hour period on these days.

(2) "Calendar quarter" means the period of 3 consecutive months ending March 31, June 30, September 30, or December 31.

(3) "Department" means the department of revenue.

(4) "Nursing facility" or "facility" means a health care facility licensed by the department of public health and human services as a nursing facility to provide skilled nursing care or intermediate nursing care. The term includes:

(a) nursing facilities, whether they are:

(a)(i) operated as nonprofit or for-profit facilities;

(b)(ii) freestanding or part of another health care facility; or

~~(e)(iii)~~ publicly or privately operated; and

(b) the Montana mental health nursing care center provided for in 53-21-411.

(5) "Report" means the report of bed days required in 15-60-201.

(6) "Skilled nursing care" and "intermediate nursing care" have the same meaning as those terms are defined in 50-5-101.

(7) "Utilization fee" or "fee" means the fee required to be paid for each bed day in a nursing facility, as provided in 15-60-102. (Void on occurrence of contingency--sec. 18, Ch. 746, L. 1991--see chapter compiler's comment.)"

**Section 2.** Section 15-60-210, MCA, is amended to read:

**"15-60-210. (Temporary) Disposition of fee.** (1) ~~At~~ Except as provided in subsection (2), all proceeds from the collection of utilization fees, including penalties and interest, must, in accordance with the provisions of 15-1-501, be deposited in the general fund.

(2) Utilization fees, including penalties and interest, collected from the Montana mental health nursing care center must be allocated as follows:

(a) 30% to the state general fund; and

(b) 70% to the ~~health and human services payment~~ PREVENTION AND STABILIZATION account in the state special revenue fund established pursuant to [section 14 of House Bill No. 722] to the credit of the department of public health and human services to finance, administer, and provide health and human services. (Void on occurrence of contingency--sec. 18, Ch. 746, L. 1991--see chapter compiler's comment.)"

NEW SECTION. SECTION 3. APPROPRIATION. THE FOLLOWING MONEY IS APPROPRIATED TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES:

(1) FROM THE GENERAL FUND FOR THE PAYMENT OF THE UTILIZATION FEES PROVIDED FOR IN 15-60-102:

<u>FISCAL YEAR 2004</u>	<u>\$71,540</u>
<u>FISCAL YEAR 2005</u>	<u>71,540</u>

(2) FROM THE STATE SPECIAL REVENUE ACCOUNT IN [SECTION 14 OF HOUSE BILL NO. 722] FOR THE PURPOSES OF FINANCING, ADMINISTERING, AND PROVIDING HEALTH AND HUMAN SERVICES:

<u>FISCAL YEAR 2004</u>	<u>\$ 50,078</u>
<u>FISCAL YEAR 2005</u>	<u>50,078</u>

(3) FROM FEDERAL SPECIAL REVENUE FOR THE PURPOSES OF FINANCING, ADMINISTERING, AND PROVIDING HEALTH AND HUMAN SERVICES:

<u>FISCAL YEAR 2004</u>	<u>\$186,713</u>
<u>FISCAL YEAR 2005</u>	<u>183,377</u>

**NEW SECTION. SECTION 4. CONTINGENT APPROPRIATION.** If HOUSE BILL NO. 705 IS PASSED AND APPROVED, [SECTION 3 OF THIS ACT] IS VOID AND THE FOLLOWING MONEY IS APPROPRIATED TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES:

(1) FROM THE GENERAL FUND FOR THE PAYMENT OF THE UTILIZATION FEES PROVIDED FOR IN 15-60-102:

<u>FISCAL YEAR 2004</u>	<u>\$114,975</u>
<u>FISCAL YEAR 2005</u>	<u>135,415</u>

(2) FROM THE STATE SPECIAL REVENUE ACCOUNT IN [SECTION 14 OF HOUSE BILL NO. 722] FOR THE PURPOSES OF FINANCING, ADMINISTERING, AND PROVIDING HEALTH AND HUMAN SERVICES:

<u>FISCAL YEAR 2004</u>	<u>\$80,483</u>
<u>FISCAL YEAR 2005</u>	<u>94,791</u>

(3) FROM FEDERAL SPECIAL REVENUE FOR THE PURPOSES OF FINANCING, ADMINISTERING, AND PROVIDING HEALTH AND HUMAN SERVICES:

<u>FISCAL YEAR 2004</u>	<u>\$300,076</u>
<u>FISCAL YEAR 2005</u>	<u>347,108</u>

**NEW SECTION. SECTION 5. Coordination.** If House Bill No. 722 is not passed and approved, then ~~[section 2 of this act]~~ is [SECTIONS 2 THROUGH 4 OF THIS ACT] ARE void.

**NEW SECTION. SECTION 6. Contingent voidness.** If any of the contingencies contained in section 18, Chapter 746, Laws of 1991, occur, then [this act] is void.

**NEW SECTION. SECTION 7. Effective date.** [This act] is effective July 1, 2003.

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