

HOUSE BILL NO. 727  
INTRODUCED BY M. LANGE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ELIGIBILITY STANDARDS FOR THE MENTAL HEALTH SERVICES PLAN BY PROVIDING FOR CONTINUED ELIGIBILITY FOR THE PURPOSE OF RETURNING TO WORK; AMENDING SECTION 53-21-702, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

**Section 1.** Section 53-21-702, MCA, is amended to read:

**"53-21-702. Mental health care system -- eligibility -- services -- advisory council.** (1) The department of public health and human services shall develop a delivery system of mental health care from providers or other entities that are able to provide administration or delivery of mental health services. The public mental health care system shall:

- (a) include specific outcome and performance measures for the administration or delivery of a continuum of mental health services;
- (b) provide for local advisory councils that shall report to and meet on a regular basis with the advisory council provided for in subsection (4);
- (c) provide level-of-care appeals that are understandable and accessible; and
- (d) provide a system for tracking children who need mental health services that are provided under substantive interagency agreements between state agencies responsible for addictive and mental disorders, foster care, children with developmental disabilities, special education, and juvenile corrections.

(2) (a) The department may establish resource and income standards of eligibility for mental health services that are more liberal than the resource and income standards of eligibility for physical health services.

(b) The standards of eligibility for mental health services may provide for eligibility for households not eligible for medicaid with family income that does not exceed 160% of the federal poverty threshold or that does not exceed a lesser amount determined at the discretion of the department. In determining CONTINUING eligibility, the department shall MAY disregard UP TO the first \$1,000 of monthly family EARNED income received from any source FOR INDIVIDUALS WHO HAVE RETURNED TO WORK.

(c) The department may by rule specify under what circumstances deductions for medical expenses should be used to reduce countable family income in determining eligibility. The department may also adopt rules

establishing fees, premiums, or copayments to be charged recipients for services. The fees, premiums, or copayments may vary according to family income.

(3) The department shall establish the amount, scope, and duration of services to be provided under the program. Services for nonmedicaid-eligible individuals may be more limited than those services provided to medicaid-eligible individuals. Services to nonmedicaid-eligible individuals may include a pharmacy benefit.

(4) (a) The department shall form an advisory council, to be known as the mental health oversight advisory council, to provide input to the department in the development and management of any public mental health system. The advisory council is not subject to 2-15-122. The advisory council membership must include:

(i) one-half of the members as consumers of mental health services, including persons with serious mental illnesses who are receiving public mental health services, other recipients of mental health services, former recipients of public mental health services, and immediate family members of recipients of mental health services; and

(ii) advocates for consumers or family members of consumers, members of the public at large, providers of mental health services, legislators, and department representatives.

(b) The advisory council under this section may be administered so as to fulfill any federal advisory council requirements to obtain federal funds for this program.

(c) Geographic representation must be considered when appointing members to the advisory council in order to provide the widest possible representation.

(d) The advisory council shall provide a summary of each meeting and a copy of any recommendations made to the department to the legislative finance committee and any other designated appropriate legislative interim committee. The department shall provide the same committees with the department's rationale for not accepting or implementing any recommendation of the advisory council."

NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2007.

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