



AN ACT ESTABLISHING REQUIREMENTS FOR MEDICAID-FUNDED DEVELOPMENTAL DISABILITY SERVICES FOR CERTAIN MILITARY DEPENDENTS; AMENDING SECTION 53-20-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Military dependents -- eligibility and placement determinations. (1) If a military dependent is eligible for home and community-based developmental disability services while physically present in the state, the department shall reinstate the dependent's eligibility and placement status when the dependent returns to the state if the military service member provides proof acceptable to the department that:

(a) the military service member was on military assignment outside the state, was a legal resident of the state before the military assignment, and maintained residency in the state while on the military assignment;

(b) the military service member and military dependent are physically present in the state and intend to reside permanently in the state while the dependent is receiving services;

(c) the military service member returned to the state within 18 months of separating from military service; and

(d) the military dependent is not eligible for coverage of home and community-based services under another health insurance plan.

(2) (a) Upon the military dependent's return to the state, the department shall reinstate the dependent's eligibility status without a further redetermination of eligibility unless the state's eligibility requirements have changed while the dependent was out of the state.

(b) If the eligibility requirements have changed, the military dependent shall retain eligibility for services until eligibility under the new requirements has been determined.

(3) (a) If the military dependent was on a waiting list for services at the time the dependent left the state due to the military service member's military assignment, the department shall determine the military dependent's place on the waiting list as if the dependent had remained in the state during the time of the military assignment.

(b) If the department finds that the military dependent would be immediately eligible for services upon return to the state, the department shall place the dependent in services as soon as an opening occurs. The department may not remove a person from services in order to place a military dependent in services.

(4) Upon the military dependent's return to the state and when a request for services is made, the department shall notify the dependent of the availability of services and any changes in eligibility requirements. The department shall provide due process through the appeals processes established by the department.

(5) To continue eligibility under this section, the military dependent must inform the department of the dependent's current address and provide updates as requested by the department.

Section 2. Section 53-20-202, MCA, is amended to read:

"53-20-202. Definitions. As used in this part, the following definitions apply:

(1) "Comprehensive developmental disability system" means a system of services, including but not limited to the following basic services, with the intention of providing alternatives to institutionalization:

- (a) evaluation services;
- (b) diagnostic services;
- (c) treatment services;
- (d) day-care services;
- (e) training services;
- (f) education services;
- (g) employment services;
- (h) recreation services;
- (i) personal-care services;
- (j) domiciliary-care services;
- (k) special living arrangements services;
- (l) counseling services;
- (m) information and referral services;
- (n) follow-along services;
- (o) protective and other social and sociolegal services; and
- (p) transportation services.

(2) "Department" means the department of public health and human services.

(3) "Developmental disabilities" means disabilities attributable to intellectual disability, cerebral palsy, epilepsy, autism, or any other neurologically disabling condition closely related to intellectual disability and requiring treatment similar to that required by intellectually disabled individuals if the disability originated before the person attained age 18, has continued or can be expected to continue indefinitely, and results in the person having a substantial disability.

(4) "Developmental disabilities facility" means any service or group of services offering care to persons with developmental disabilities on an inpatient, outpatient, residential, clinical, or other programmatic basis.

(5) "Legal resident" means a person who maintains Montana as the person's principal establishment, home of record, or permanent home and where, whenever absent due to military obligation, the person intends to return.

(6) "Military dependent" means a child of a military service member.

(7) "Military service" means service in the armed forces or armed forces reserves or membership in the Montana national guard.

(8) "Military service member" means a person who is currently in military service or who has separated from military service in the previous 18 months either through retirement or military separation."

Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 53, chapter 20, part 2, and the provisions of Title 53, chapter 20, part 2, apply to [section 1].

Section 4. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
SB 0233, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2015.

Speaker of the House

Signed this _____ day
of _____, 2015.

SENATE BILL NO. 233

INTRODUCED BY M. CAFERRO

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