

SENATE BILL NO. 276

INTRODUCED BY R. WEBB

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A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A DIRECTORY OF PROVIDERS OF CERTAIN PERSONAL ASSISTANCE OR ATTENDANT SERVICES OR SUPPORTS; PROHIBITING THE COLLECTION OF CERTAIN INFORMATION; AND PROVIDING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES WITH RULEMAKING AUTHORITY TO CREATE AND MAINTAIN THE DIRECTORY."

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

NEW SECTION. Section 1. Directory of providers of personal assistance or attendant services or supports -- prohibition on collection of personally identifiable information -- rulemaking. (1) The department shall create and maintain an electronic directory of providers of personal assistance or attendant services or supports that are funded:

- (a) as a medicaid state plan service;
- (b) through a medicaid state plan option available to the state under 42 U.S.C. 1396n(k); or
- (c) under a medicaid home and community-based services waiver for the elderly and disabled that is operated through a division of the department that administers long-term care services for senior citizens and individuals with physical disabilities.

(2) The directory must describe the difference between agency and self-directed personal assistance or attendant services or supports and provide guidance on using the directory and selecting a provider.

(3) (a) The department shall include in the directory all known providers of personal assistance or attendant services or supports that are funded as provided in subsection (1) and shall encourage but may not require a provider to submit the following information for inclusion in the directory:

- (i) the total number of years the provider has been providing personal assistance or attendant services or supports, the number of years the provider has provided personal assistance or attendant services or supports to medicaid enrollees, and whether the provider offers agency or self-directed services, or both;
- (ii) the number of direct-care workers available to work or working in each county served by the provider;
- (iii) whether the provider conducts background checks on direct-care workers and the type of background checks the provider uses;

- 1 (iv) the average length of employment of direct-care workers;
- 2 (v) whether the provider offers health insurance or other benefits to direct-care workers;
- 3 (vi) the average wage of a direct-care worker;
- 4 (vii) whether direct-care workers are bonded or whether the provider has liability coverage; and
- 5 (viii) details regarding the ability of consumers to recruit, select, schedule, train, and, if necessary, dismiss
- 6 direct-care workers.

7 (b) A provider may provide for inclusion in the directory a statement of not more than 150 words
 8 describing the provider's services.

9 (4) The department may exclude or remove a provider from the directory for misrepresentation of
 10 information.

11 (5) The department may not collect personally identifiable information about direct-care workers.

12 (6) The department may adopt rules necessary for the creation and maintenance of the directory,
 13 including but not limited to requirements for:

- 14 (a) designing the directory;
- 15 (b) providing guidance to consumers on using the directory and selecting services; and
- 16 (c) submitting, verifying, correcting, and updating directory information.

17 (7) For the purposes of this section, "direct-care worker" means a person who is employed by a provider
 18 of personal assistance or attendant services or supports that are funded as provided in subsection (1) and who
 19 directly provides these services to consumers.

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

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