

## HOUSE BILL NO. 618

INTRODUCED BY N. BALLANCE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE UTILIZATION FEE FOR NURSING FACILITIES  
5 TO INCREASE NURSING HOME REIMBURSEMENT RATES; PROVIDING A WAGE INCREASE FOR CERTAIN  
6 DIRECT CARE WORKERS; PROVIDING APPROPRIATIONS; AMENDING SECTIONS 15-60-102 AND  
7 15-60-211, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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11 **Section 1.** Section 15-60-102, MCA, is amended to read:  
12 **"15-60-102. (Temporary) Utilization fee for bed days in nursing facilities.** (1) A nursing facility in the  
13 state shall pay to the department a utilization fee for each bed day in the facility in the following amounts:  
14 (a) in the amount of \$2.80, which must be applied to maintain the price-based average payment rate to  
15 nursing facilities at the fiscal year ~~2003~~ 2017 base amount;  
16 (b) in the amount of \$5.50 to be used to maintain the price-based average payment rate to nursing  
17 facilities at the fiscal year 2017 base amount as provided in 15-60-211;  
18 ~~(b)(c)~~ in fiscal year ~~2006~~ 2018, an additional amount of ~~\$4.25~~ ~~\$1.20~~ \$3 to be used to increase the  
19 price-based average payment rate to nursing facilities above the fiscal year ~~2003~~ 2017 base as provided in  
20 15-60-211; and  
21 ~~(e)(d)~~ beginning July 1, 2006 on and after July 1, 2018, an additional amount of ~~\$5.50~~ ~~\$2.20~~ \$7 to be  
22 used to increase the price-based average payment rate to nursing facilities above the fiscal year ~~2003~~ 2017 base  
23 as provided in 15-60-211.  
24 (2) The fees collected must be deposited as follows:  
25 (a) the amounts collected as provided in subsection (1)(a), in the general fund; and  
26 (b) the amounts collected as provided in subsections (1)(b) ~~and (1)(c)~~ through (1)(d), in the account in  
27 the state special revenue fund as provided in 15-60-211.  
28 (3) A nursing facility may not place a fee created in this section on a patient's bill. (Void on occurrence  
29 of contingency--sec. 18, Ch. 746, L. 1991--see chapter compiler's comment.)"

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1           **Section 2.** Section 15-60-211, MCA, is amended to read:

2           **"15-60-211. State special revenue account.** (1) There is a nursing facility utilization fee account in the  
3 state special revenue fund as provided in 17-2-102.

4           (2) (a) All money collected under 15-60-102(1)(b) and (1)(e) through (1)(d) must be deposited in this  
5 account.

6           (b) Money in the account collected under 15-60-102(1)(b) must be used by the department of public  
7 health and human services for the purpose of ~~increasing~~ maintaining the average price paid for medicaid nursing  
8 facility services ~~above~~ at the fiscal year ~~2003~~ 2017 level under the price-based reimbursement system used to  
9 establish medicaid payment rates to nursing homes.

10           (c) All money collected under 15-60-102(1)(c) and (1)(d) must be used by the department of public  
11 health and human services for the purpose of:

12           (i) increasing the average price paid for medicaid nursing facility services above the fiscal year 2017 level  
13 under the price-based reimbursement system used to establish medicaid payment rates to nursing homes.; AND

14           (ii) IN EACH YEAR OF THE BIENNIUM BEGINNING JULY 1, 2017, PROVIDING A WAGE INCREASE OF 50 CENTS PER  
15 HOURLY TO CERTIFIED NURSING ASSISTANTS WORKING IN NURSING FACILITIES, PROVIDED IN INCREMENTS OF 25 CENTS PER  
16 HOURLY EVERY 6 MONTHS.

17           (3) Money remaining in this account at the end of a fiscal year may not be expended or transferred for  
18 any other purpose and is subject to appropriation by a subsequent legislature for purposes consistent with  
19 subsection (2)."

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21           NEW SECTION. Section 3. Appropriation. (1) (A) There is appropriated from the special revenue  
22 account provided for in 15-60-211 to the department of public health and human services \$1,788,492 \$4,427,982  
23 in fiscal year 2018 and \$3,278,902 \$10,331,958 in fiscal year 2019 to fund increases in medicaid payments to  
24 nursing facilities.

25           (B) OF THE AMOUNT APPROPRIATED IN SUBSECTION (1)(A), \$584,120 MUST BE USED IN FISCAL YEAR 2018 AND  
26 \$1,365,085 IN FISCAL YEAR 2019 FOR THE WAGE INCREASE FOR CERTIFIED NURSING ASSISTANTS PROVIDED FOR IN  
27 15-60-211(1)(c)(ii) 15-60-211(2)(c)(ii).

28           (2) (A) There is appropriated from the federal special revenue fund to the department of public health  
29 and human services \$3,389,539 \$8,391,884 in fiscal year 2018 and \$6,370,603 \$20,074,039 in fiscal year 2019  
30 to fund increases in payments to nursing facilities.

1           (B) OF THE AMOUNT APPROPRIATED IN SUBSECTION (2)(A), \$1,103,112 MUST BE USED IN FISCAL YEAR 2018  
2 AND \$2,577,968 IN FISCAL YEAR 2019 FOR THE WAGE INCREASE FOR CERTIFIED NURSING ASSISTANTS PROVIDED FOR  
3 IN ~~15-60-211(1)(c)(iii)~~ 15-60-211(2)(c)(ii).

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5           NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 2017.

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