

## SENATE BILL NO. 208

INTRODUCED BY M. CAFERRO

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING REQUIREMENTS FOR THE USE OF MONEY APPROPRIATED FOR MEDICAID HOME AND COMMUNITY-BASED WAIVER SLOTS; PROVIDING DIRECTION TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES ON THE 0208 WAIVER FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. Section 1. Use of waiver funding. (1) The department shall use money appropriated for home and community-based services waiver slots for the purpose of:

(a) creating waiver slots as authorized by the legislature; or

(b) addressing workforce shortages or other barriers to creating the number of waiver slots authorized by the legislature.

(2) Unencumbered funds appropriated for home and community-based services waiver slots for use by a particular division may not be transferred to another department division or program. The money must be used for the program for which it was appropriated or be reverted to the fund from which it was appropriated.

(3) The department shall report annually to the legislative finance committee on the status of appropriations for home and community-based services waiver slots.

NEW SECTION. SECTION 2. DIRECTION TO DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES. THE LEGISLATURE DIRECTS THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO SUBMIT TO THE CENTERS FOR MEDICARE AND MEDICAID SERVICES, BY NO LATER THAN SEPTEMBER 30, 2017, A REQUEST FOR AN AMENDMENT TO THE MEDICAID HOME AND COMMUNITY-BASED SERVICES 0208 WAIVER FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES THAT:

(1) ALLOWS INDIVIDUALS AND PROVIDERS TO USE THE ENTIRETY OF EACH INDIVIDUAL'S COST PLAN TO PROVIDE SERVICES THAT THE INDIVIDUAL NEEDS TO BE SUCCESSFUL IN THE COMMUNITY, NOT TO EXCEED THE AMOUNT OF MEDICAID WAIVER APPROPRIATIONS IN HOUSE BILL NO. 2;

(2) PROVIDES THE FLEXIBILITY NECESSARY TO ENABLE THE PROVISION OF PROFESSIONAL SERVICES TO AN

1 INDIVIDUAL; AND

2 (3) PROVIDES A SUFFICIENT NUMBER OF EMERGENCY SLOTS THROUGHOUT MONTANA TO ACCOMMODATE  
3 INDIVIDUALS WHO MAY GO INTO CRISIS.

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5 NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an  
6 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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8 NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2017.

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