

SENATE BILL NO. 30

INTRODUCED BY J. GROSS

BY REQUEST OF THE STATE-TRIBAL RELATIONS COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING CERTIFIED BEHAVIORAL HEALTH PEER SUPPORT SERVICES TO QUALIFY AS MEDICAL ASSISTANCE UNDER THE MONTANA MEDICAID PROGRAM; ESTABLISHING A MENTAL HEALTH SERVICES SPECIAL REVENUE ACCOUNT; EXPANDING RULEMAKING AUTHORITY; TRANSFERRING FUNDS FROM THE MEDICAL MARIJUANA SPECIAL REVENUE ACCOUNT; PROVIDING AN APPROPRIATION; AND AMENDING SECTION SECTIONS 50-46-345 AND 53-6-101, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

**NEW SECTION. SECTION 1. MENTAL HEALTH SERVICES SPECIAL REVENUE ACCOUNT.** (1) THERE IS A MENTAL HEALTH SERVICES SPECIAL REVENUE ACCOUNT WITHIN THE STATE SPECIAL REVENUE FUND ESTABLISHED IN 17-2-102.

(2) THE ACCOUNT CONSISTS OF:

(A) MONEY TRANSFERRED INTO THE ACCOUNT AS PROVIDED IN 50-46-345; AND

(B) MONEY APPROPRIATED BY THE LEGISLATURE.

(3) MONEY IN THE ACCOUNT MUST BE USED BY THE DEPARTMENT TO PAY FOR SERVICES PROVIDED BY BEHAVIORAL HEALTH PEER SUPPORT SPECIALISTS PURSUANT TO 53-6-101.

**SECTION 2. SECTION 50-46-345, MCA, IS AMENDED TO READ:**

**"50-46-345. Medical marijuana state special revenue account -- transfer.** (1) There is a medical marijuana state special revenue account within the state special revenue fund established in 17-2-102.

(2) The account consists of:

(a) money deposited into the account pursuant to 50-46-344; and

(b) the tax collected pursuant to Title 15, chapter 64, part 1.

(3) ~~Money~~ Except as provided in subsection (4), money in the account must be used by the department for the purpose of administering the Montana Medical Marijuana Act ~~and, the tracking system development, and the operating reserve required under 50-46-344(3)(b).~~



1           (4) For the biennium beginning July 1, 2019, after the expenses listed in subsection (3) are met, there  
2 is transferred \$2.5 million from the account to the mental health services special revenue account provided for  
3 in [section 1]."

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5           **Section 3.** Section 53-6-101, MCA, is amended to read:

6           **"53-6-101. Montana medicaid program -- authorization of services.** (1) There is a Montana medicaid  
7 program established for the purpose of providing necessary medical services to eligible persons who have need  
8 for medical assistance. The Montana medicaid program is a joint federal-state program administered under this  
9 chapter and in accordance with Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq. The department shall  
10 administer the Montana medicaid program.

11           (2) The department and the legislature shall consider the following funding principles when considering  
12 changes in medicaid policy that either increase or reduce services:

13           (a) protecting those persons who are most vulnerable and most in need, as defined by a combination  
14 of economic, social, and medical circumstances;

15           (b) giving preference to the elimination or restoration of an entire medicaid program or service, rather  
16 than sacrifice or augment the quality of care for several programs or services through dilution of funding; and

17           (c) giving priority to services that employ the science of prevention to reduce disability and illness,  
18 services that treat life-threatening conditions, and services that support independent or assisted living, including  
19 pain management, to reduce the need for acute inpatient or residential care.

20           (3) Medical assistance provided by the Montana medicaid program includes the following services:

21           (a) inpatient hospital services;

22           (b) outpatient hospital services;

23           (c) other laboratory and x-ray services, including minimum mammography examination as defined in  
24 33-22-132;

25           (d) skilled nursing services in long-term care facilities;

26           (e) physicians' services;

27           (f) nurse specialist services;

28           (g) early and periodic screening, diagnosis, and treatment services for persons under 21 years of age,  
29 in accordance with federal regulations and subsection (10)(b);

30           (h) ambulatory prenatal care for pregnant women during a presumptive eligibility period, as provided in

1 42 U.S.C. 1396a(a)(47) and 42 U.S.C. 1396r-1;

2 (i) targeted case management services, as authorized in 42 U.S.C. 1396n(g), for high-risk pregnant  
3 women;

4 (j) services that are provided by physician assistants within the scope of their practice and that are  
5 otherwise directly reimbursed as allowed under department rule to an existing provider;

6 (k) health services provided under a physician's orders by a public health department;

7 (l) federally qualified health center services, as defined in 42 U.S.C. 1396d(l)(2);

8 (m) routine patient costs for qualified individuals enrolled in an approved clinical trial for cancer as  
9 provided in 33-22-153; and

10 (n) for children 18 years of age and younger, habilitative services as defined in 53-4-1103.

11 (4) Medical assistance provided by the Montana medicaid program may, as provided by department rule,  
12 also include the following services:

13 (a) medical care or any other type of remedial care recognized under state law, furnished by licensed  
14 practitioners within the scope of their practice as defined by state law;

15 (b) home health care services;

16 (c) private-duty nursing services;

17 (d) dental services;

18 (e) physical therapy services;

19 (f) mental health center services administered and funded under a state mental health program  
20 authorized under Title 53, chapter 21, part 10;

21 (g) clinical social worker services;

22 (h) prescribed drugs, dentures, and prosthetic devices;

23 (i) prescribed eyeglasses;

24 (j) other diagnostic, screening, preventive, rehabilitative, chiropractic, and osteopathic services;

25 (k) inpatient psychiatric hospital services for persons under 21 years of age;

26 (l) services of professional counselors licensed under Title 37, chapter 23;

27 (m) hospice care, as defined in 42 U.S.C. 1396d(o);

28 (n) case management services, as provided in 42 U.S.C. 1396d(a) and 1396n(g), including targeted case  
29 management services for the mentally ill;

30 (o) services of psychologists licensed under Title 37, chapter 17;

1 (p) inpatient psychiatric services for persons under 21 years of age, as provided in 42 U.S.C. 1396d(h),  
 2 in a residential treatment facility, as defined in 50-5-101, that is licensed in accordance with 50-5-201;

3 (q) services of behavioral health peer support specialists certified under Title 37, chapter 38, PROVIDED  
 4 TO ADULTS 18 YEARS OF AGE AND OLDER WITH A DIAGNOSIS OF A MENTAL DISORDER, AS DEFINED IN 53-21-102; and

5 ~~(q)(r)~~ any additional medical service or aid allowable under or provided by the federal Social Security  
 6 Act.

7 (5) Services for persons qualifying for medicaid under the medically needy category of assistance, as  
 8 described in 53-6-131, may be more limited in amount, scope, and duration than services provided to others  
 9 qualifying for assistance under the Montana medicaid program. The department is not required to provide all of  
 10 the services listed in subsections (3) and (4) to persons qualifying for medicaid under the medically needy  
 11 category of assistance.

12 (6) In accordance with federal law or waivers of federal law that are granted by the secretary of the U.S.  
 13 department of health and human services, the department may implement limited medicaid benefits, to be known  
 14 as basic medicaid, for adult recipients who are eligible because they are receiving financial assistance, as defined  
 15 in 53-4-201, as the specified caretaker relative of a dependent child under the FAIM project and for all adult  
 16 recipients of medical assistance only who are covered under a group related to a program providing financial  
 17 assistance, as defined in 53-4-201. Basic medicaid benefits consist of all mandatory services listed in subsection  
 18 (3) but may include those optional services listed in subsections (4)(a) through ~~(4)(q)~~ (4)(r) that the department  
 19 in its discretion specifies by rule. The department, in exercising its discretion, may consider the amount of funds  
 20 appropriated by the legislature, whether approval has been received, as provided in 53-1-612, and whether the  
 21 provision of a particular service is commonly covered by private health insurance plans. However, a recipient who  
 22 is pregnant, meets the criteria for disability provided in Title II of the Social Security Act, 42 U.S.C. 416, et seq.,  
 23 or is less than 21 years of age is entitled to full medicaid coverage.

24 (7) The department may implement, as provided for in Title XIX of the Social Security Act, 42 U.S.C.  
 25 1396, et seq., as may be amended, a program under medicaid for payment of medicare premiums, deductibles,  
 26 and coinsurance for persons not otherwise eligible for medicaid.

27 (8) (a) ~~The~~ SUBJECT TO SUBSECTION (8)(C), THE department may set rates for medical and other services  
 28 provided to recipients of medicaid and may enter into contracts for delivery of services to individual recipients or  
 29 groups of recipients.

30 (b) The department shall strive to close gaps in services provided to individuals suffering from mental

1 illness and co-occurring disorders by doing the following:

2 (i) simplifying administrative rules, payment methods, and contracting processes for providing services  
3 to individuals of different ages, diagnoses, and treatments. Any adjustments to payments must be cost-neutral  
4 for the biennium beginning July 1, 2017.

5 (ii) publishing a report on an annual basis that describes the process that a mental health center or  
6 chemical dependency facility, as those terms are defined in 50-5-101, must utilize in order to receive payment  
7 from Montana medicaid for services provided to individuals of different ages, diagnoses, and treatments.

8 (C) RATES FOR SERVICES PROVIDED BY BEHAVIORAL HEALTH PEER SUPPORT SPECIALISTS IN SUBSECTION (4)(Q)  
9 MUST BE \$40 AN HOUR.

10 (9) The services provided under this part may be only those that are medically necessary and that are  
11 the most efficient and cost-effective.

12 (10) (a) The amount, scope, and duration of services provided under this part must be determined by the  
13 department in accordance with Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended.

14 (b) The department shall, with reasonable promptness, provide access to all medically necessary  
15 services prescribed under the early and periodic screening, diagnosis, and treatment benefit, including access  
16 to prescription drugs and durable medical equipment for which the department has not negotiated a rebate.

17 (11) Services, procedures, and items of an experimental or cosmetic nature may not be provided.

18 (12) If available funds are not sufficient to provide medical assistance for all eligible persons, the  
19 department may set priorities to limit, reduce, or otherwise curtail the amount, scope, or duration of the medical  
20 services made available under the Montana medicaid program after taking into consideration the funding  
21 principles set forth in subsection (2)."

22  
23 NEW SECTION. SECTION 4. APPROPRIATION. THERE IS APPROPRIATED \$2.5 MILLION FROM THE MENTAL  
24 HEALTH SERVICES SPECIAL REVENUE ACCOUNT PROVIDED FOR IN [SECTION 1] AND \$4,617,490 IN FEDERAL SPECIAL  
25 REVENUE TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES FOR THE PURPOSES OF PAYING FOR MEDICAID  
26 SERVICES FOR BEHAVIORAL PEER SUPPORT SPECIALISTS PURSUANT TO 53-6-101.

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28 NEW SECTION. Section 5. Notification to tribal governments. The secretary of state shall send a  
29 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell  
30 Chippewa tribe.

