

1 HOUSE BILL NO. 686  
2 INTRODUCED BY M. REGIER  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE PROVISIONS OF HOUSE BILL NO. 2;  
5 REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO REPORT TO  
6 LEGISLATIVE COMMITTEES PRIOR TO TAKING CERTAIN ACTIONS; PROVIDING FOR THE TRANSFER  
7 OF THE BOULDER CAMPUS FROM THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO  
8 THE DEPARTMENT OF JUSTICE; PROVIDING A CONTINGENT APPROPRIATION; ESTABLISHING A  
9 PAYMENT REVIEW COMMITTEE FOR MEDICAID-FUNDED ABORTION SERVICES; ELIMINATING THE  
10 PAIN MANAGEMENT EDUCATION AND TREATMENT SPECIAL REVENUE ACCOUNT; AMENDING  
11 SECTION SECTIONS 50-16-603 AND 50-46-345, MCA; REPEALING SECTION 50-46-346, MCA; AND  
12 PROVIDING AN EFFECTIVE DATE."

13  
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15  
16 NEW SECTION. Section 1. Notification to legislative committees prior to action. (1) Prior to  
17 enacting changes to provider rates, medicaid waivers, or the medicaid state plan, the department of public  
18 health and human services shall report this information to the following committees:

- 19 (a) the children, families, health, and human services interim committee; and  
20 (b) the legislative finance committee.  
21 (2) In its report to the committees, the department shall provide an explanation for the proposed  
22 changes and an estimated budget impact to the department over the next 4 fiscal years.

23  
24 NEW SECTION. Section 2. Transfer of Boulder campus -- contingent appropriation. (1) The  
25 department of public health and human services and the department of justice may enter into a memorandum  
26 of understanding to transfer the Boulder campus from the department of public health and human services to  
27 the department of justice for use by the Montana highway patrol.

28 (2) The transfer may include the behavioral health facility located in Boulder.

1 (3) The transfer must be completed by December 31, 2021.

2 (4) If the Boulder campus is transferred to the department of justice by December 31, 2021, there is  
3 appropriated \$500,000 from the general fund to the department of justice in each year of the biennium  
4 beginning July 1, 2021.

5

6 **NEW SECTION. Section 3. Payment review committee for abortion services -- committee**

7 **makeup -- duties -- compensation -- confidentiality.** (1) There is a payment review committee to evaluate  
8 and determine whether abortion-related services provided to a recipient of medical assistance under this  
9 chapter are reimbursable. To qualify for reimbursement, the services must have been provided for an abortion  
10 that was:

- 11 (a) medically necessary;
- 12 (b) necessary to save the life of the mother; or
- 13 (c) provided to terminate a pregnancy that was the result of rape or incest.

14 (2) (a) The committee consists of three physicians licensed under Title 37, chapter 3, and appointed  
15 as follows:

- 16 (i) one physician appointed by the governor;
- 17 (ii) one physician appointed by the speaker of the house of representatives; and
- 18 (iii) one physician appointed by the president of the senate.

19 (b) Except as provided in subsection (2)(c), members serve 3-year terms.

20 (c) The initial appointees to the committee must be appointed for the following periods of time:

- 21 (i) The governor's appointee shall serve a 3-year term.
- 22 (ii) The speaker's appointee shall serve a 2-year term.
- 23 (iii) The senate president's appointee shall serve a 1-year term.

24 (d) A vacancy must be filled in the manner of the original appointment. The member appointed to fill a  
25 vacancy shall serve for the unexpired term to which the member is appointed and may be reappointed.

26 (3) The governor's appointee shall serve as presiding officer of the committee.

27 (4) (a) The department shall provide the committee with the information, including any supporting  
28 documentation, submitted to the department by the health care provider who performed the abortion.

1 (b) The members of the committee shall maintain the confidentiality of the information received under  
2 this section.

3 (c) Materials and information obtained by the payment review committee are not subject to subpoena  
4 or to disclosure under Title 2, chapter 6.

5 (5) (a) Before the department may reimburse a provider for any service related to an abortion, the  
6 committee shall determine whether the abortion meets the criteria provided for in subsection (1). If the  
7 committee determines an abortion was not reimbursable under this section, the department may not pay a  
8 claim for any service related to the abortion.

9 (b) A recipient or provider affected by an adverse decision of the committee is entitled to a fair hearing  
10 in accordance with rules adopted by the department for medicaid fair hearings.

11 (6) The committee shall meet as necessary, at the call of the presiding officer. Members are entitled  
12 to compensation and expenses equal to the compensation and expenses provided for in 5-2-302 for legislators  
13 when the legislature is not in session.

14

15 **Section 4.** Section 50-16-603, MCA, is amended to read:

16 **"50-16-603. Confidentiality of health care information.** Health care information in the possession of  
17 the department, a local board, a local health officer, or the entity's authorized representatives may not be  
18 released except:

19 (1) for statistical purposes, if no identification of individuals can be made from the information  
20 released;

21 (2) when the health care information pertains to a person who has given written consent to the  
22 release and has specified the type of information to be released and the person or entity to whom it may be  
23 released;

24 (3) to medical personnel in a medical emergency as necessary to protect the health, life, or well-being  
25 of the named person;

26 (4) as allowed by Title 50, chapters 17 and 18;

27 (5) to another state or local public health agency, including those in other states, whenever necessary  
28 to continue health services to the named person or to undertake public health efforts to prevent or interrupt the

1 transmission of a communicable disease or to alleviate and prevent injury caused by the release of biological,  
2 chemical, or radiological agents capable of causing imminent disability, death, or infection;

3 (6) in the case of a minor, as required by 41-3-201 or pursuant to an investigation or a safety and risk  
4 assessment under 41-3-202 or if the health care information is to be presented as evidence in a court  
5 proceeding involving child abuse pursuant to Title 41, chapter 3. Documents containing the information must be  
6 sealed by the court upon conclusion of the proceedings.

7 (7) to medical personnel, the department, a local health officer or board, or a district court when  
8 necessary to implement or enforce state statutes or state or local health rules concerning the prevention or  
9 control of diseases designated as reportable pursuant to 50-1-202, if the release does not conflict with any  
10 other provision contained in this part; or

11 (8) to carry out the purposes of [section 3]."

12  
13 **Section 5.** Section 50-46-345, MCA, is amended to read:

14 **"50-46-345. Medical marijuana state special revenue account -- operating reserve -- transfer of**  
15 **excess funds.** (1) There is a medical marijuana state special revenue account within the state special revenue  
16 fund established in 17-2-102.

17 (2) The account consists of:

- 18 (a) money deposited into the account pursuant to 50-46-344 and 50-46-347;
- 19 (b) the tax collected pursuant to Title 15, chapter 64, part 1; and
- 20 (c) civil penalties collected under this part.

21 (3) Except as provided in subsection (4), money in the account must be used by the department for  
22 the purpose of administering the Montana Medical Marijuana Act and tracking system development.

23 (4) (a) At the end of each fiscal year, the department shall transfer funds in excess of a \$250,000  
24 operating reserve as provided in this subsection (4).

25 (b) At the end of fiscal year 2019:

26 (i) the first \$2.5 million in excess funds must be transferred to the mental health services special  
27 revenue account provided for in 53-21-1207; and

28 (ii) any remaining excess funds must be transferred to the ~~pain management education and treatment~~

1 ~~special revenue account provided for in 50-46-346 general fund.~~

2 (c) At the end of fiscal year 2020 and subsequent fiscal years, any excess funds must be transferred  
3 to the ~~pain management education and treatment special revenue account provided for in 50-46-346 general~~  
4 ~~fund.~~"

5  
6 **NEW SECTION. Section 6. Repealer.** The following section of the Montana Code Annotated is  
7 repealed:

8 50-46-346. Pain management education and treatment special revenue account.

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10 **NEW SECTION. Section 7. Codification instruction.** [Section 3] is intended to be codified as an  
11 integral part of Title 53, chapter 6, part 1, and the provisions of Title 53, chapter 6, part 1, apply to [section 3].

12  
13 **COORDINATION SECTION. Section 8. Coordination instruction.** If both [this act] and House Bill  
14 No. 497 are passed and approved, [section 1] must read:

15 **"Section 1. Notification to legislative committees prior to action.** (1) Prior to enacting changes to  
16 provider rates, medicaid waivers, or the medicaid state plan, the department of public health and human  
17 services shall report this information to the following committees:

- 18 (a) the children, families, health, and human services interim committee;  
19 (b) the legislative finance committee; and  
20 (c) the health and human services budget committee.

21 (2) In its report to the committees, the department shall provide an explanation for the proposed  
22 changes and an estimated budget impact to the department over the next 4 fiscal years."

23  
24 **NEW SECTION. Section 9. Effective date.** [This act] is effective July 1, 2021.

25 - END -