

HOUSE BILL NO. 38

INTRODUCED BY T. WELCH

BY REQUEST OF THE CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THAT HOME AND COMMUNITY-BASED SERVICES MUST BE CONSIDERED IN TOTAL WHEN SERVICES ARE AUTHORIZED; CLARIFYING THAT EACH SERVICE ON ITS OWN DOES NOT HAVE TO PREVENT INSTITUTIONALIZATION; AND PROVIDING AN EFFECTIVE DATE."

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

**NEW SECTION. Section 1. Home and community-based services waivers -- legislative findings**

**and intent.** (1) The legislature finds that home and community-based services allow individuals who would otherwise need an institutional level of care to remain in their homes and to better integrate into their communities.

(2) The legislature further finds that home and community-based services offer a lower-cost alternative to institutional care.

(3) The legislature further finds that waiver participants often need multiple services that individually may not prevent institutionalization but when provided as a package allow a person to remain in a home or community setting.

(4) It is the intent of the legislature that in evaluating the services proposed for waiver participants, the department shall:

(a) review whether the services and equipment recommended by medical professionals will collectively, not individually, prevent an individual from requiring an institutional level of care; and

(b) approve each waiver service or item of medical equipment that will contribute to allowing a person to remain in a home or community setting even if the service or item on its own would not prevent an institutional level of care.

1            NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an  
2 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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4            NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2021.

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