

SENATE BILL NO. 33

INTRODUCED BY M. MCNALLY

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

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A 30-DAY NOTIFICATION BEFORE TERMINATION OF PARTICIPATION IN A MEDICAID HOME AND COMMUNITY-BASED SERVICES WAIVER PROGRAM; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. Section 1. Notification required before termination of waiver participation. (1)

The department shall notify a person participating in a medicaid home and community-based services waiver at least 30 days before terminating the person's participation in the waiver. The department shall:

(a) notify the person of the planned termination from the program by mail; and

(b) allow the person to provide the department with information demonstrating the person's continued need for waiver services. The information must be provided within 30 days of the date the notification was mailed.

(2) (a) The department may terminate the person's participation in the waiver at the end of the 30-day period provided for in subsection (1) if:

(i) the person has not responded to the notification; or

(ii) after reviewing information provided by the person, the department has determined the person is no longer eligible to participate in the waiver.

(b) If the department determines that the person is no longer eligible to participate in the waiver, the department must notify the person by mail before the expiration of the 30-day notification period.

(3) The termination notice provided for in subsection (2) must state that:

(a) the decision may be appealed in accordance with 53-2-606;

(b) the person may request continued services during the period of the appeal; and

(c) the department will not seek reimbursement of services provided during the period of appeal unless

1 the department finds evidence of fraud or other similar circumstances indicating waiver services were not
2 warranted.

3 (4) An appeal must be filed within 90 days of the mailing date of the termination notice provided for in
4 subsection (2).

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6 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an
7 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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9 **NEW SECTION. Section 3. Effective date.** [This act] is effective July 1, 2021.

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