

## 1 HOUSE BILL NO. 147

2 INTRODUCED BY J. GILLETTE

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

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 5 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING AN ENHANCED MEDICAID REIMBURSEMENT RATE  
 6 FOR PROVIDERS OF CERTAIN CHILDREN'S MENTAL HEALTH SERVICES TO INCREASE ACCESS TO  
 7 IN-STATE CARE FOR HIGH-RISK CHILDREN WITH MULTIAGENCY SERVICE NEEDS; CREATING A  
 8 REPORTING REQUIREMENT; PROVIDING A DEFINITION; PROVIDING RULEMAKING AUTHORITY; AND  
 9 PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

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

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 13 **NEW SECTION. Section 1. Enhanced rate to increase access to in-state mental health services**  
 14 **for high-risk children with multiagency service needs -- reporting requirement -- rulemaking.** (1) In an  
 15 effort to avoid the placement of high-risk children with multiservice agency needs in out-of-state residential  
 16 treatment facilities, the department shall pay an enhanced medicaid reimbursement rate when an in-state  
 17 provider of psychiatric residential treatment facility ~~or therapeutic group home~~ services provides treatment to a  
 18 child who meets criteria established by the department. The criteria must be related to:

- 19 (a) the age of the child; or  
 20 (b) the acuity of the child's treatment needs.

21 (2) (a) For the fiscal year beginning July 1, 2023, the reimbursement rate for psychiatric residential  
 22 treatment facility ~~and therapeutic group home~~ services provided to a child meeting the age or acuity criteria  
 23 established pursuant to this section is the higher of:

- 24 (i) 133% of the rate in effect on July 1, 2022, for an in-state provider of the service; or  
 25 (ii) the rate adopted by the department for an in-state provider of the service for fiscal year 2024.  
 26 (b) The rate provided for in subsection (2)(a) must be increased in each subsequent fiscal year by

27 the provider rate increase approved by the legislature for children's mental health services for that fiscal year.

- 28 (3) The department shall annually determine, in consultation with providers of psychiatric

1 residential treatment facility ~~and therapeutic group home~~ services, the criteria a child must meet for treatment to  
 2 qualify for the enhanced reimbursement rate. The department shall notify providers of the determination no later  
 3 than:

4 (a) May 15 for fiscal year 2024; and

5 (b) March 30 for subsequent fiscal years.

6 (4) The department shall adopt rules regarding the manner in which it will make the enhanced  
 7 payments, including the frequency with which the payments will be made.

8 (5) (a) A provider that receives an enhanced reimbursement rate under this section shall:

9 (i) provide to the department a summary of the diagnoses, behaviors, and ages for the medicaid-  
 10 eligible children receiving services from the provider in fiscal year 2023; and

11 (ii) report annually to the department on the diagnoses, behaviors, and ages of the medicaid-  
 12 eligible children receiving services from the provider during the fiscal year in which the provider receives an  
 13 enhanced reimbursement rate.

14 (b) The department shall report the information required under subsection (5)(a) to the legislature  
 15 in accordance with 5-11-210.

16 (6) For the purposes of this section, the term "high-risk child with multiagency service needs" has  
 17 the meaning provided in 52-2-302.

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 19 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an  
 20 integral part of Title 53, chapter 6, part 1, and the provisions of Title 53, chapter 6, part 1, apply to [section 1].

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 22 **NEW SECTION. Section 3. Effective date -- contingency.** (1) [This act] is effective on the later of  
 23 July 1, 2023, or the date that the department of public health and human services certifies to the code  
 24 commissioner that the centers for medicare and medicaid services has approved a state plan amendment for  
 25 the enhanced reimbursement rate.

26 (2) The director of the department of public health and human services shall submit certification  
 27 within 15 days of receiving notice of approval of the state plan amendment.

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