



AN ACT CREATING THE SENIOR CARE FACILITY ACCESS AND STABILIZATION ACT; ESTABLISHING PROCEDURES FOR CALCULATING ROOM AND BOARD COSTS FOR ASSISTED LIVING RESIDENTS; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO PURSUE THE COMMUNITY FIRST CHOICE FUNDING OPTION FOR ASSISTED LIVING; ESTABLISHING REPORTING REQUIREMENTS; AND PROVIDING A DELAYED EFFECTIVE DATE.

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

Section 1. Calculation of room and board costs for assisted living facility services. (1) The department shall, at a minimum, annually adjust the amount that persons enrolled in the Montana medicaid program must pay for room and board when receiving assisted living facility services.

(2) The room and board payment for a person who is categorically eligible for the program must equal the person's monthly supplemental security income payment minus a \$100 allowance to provide personal needs funds.

(3) (a) The room and board payment for a person who qualifies for the program pursuant to 53-6-131(1)(e)(ii)(A) must equal the person's countable gross income, minus:

- (i) the amount of money the person must spend to qualify for medicaid; and
- (ii) \$100 to provide personal needs funds.

(b) After an initial adjustment made pursuant to subsection (3)(a), the department shall adjust the room and board payments when the amount a person must spend to qualify for medicaid has been increased or decreased to maintain personal needs funds of \$100.

(5) For the fiscal year beginning July 1, 2025, the department shall adjust the room and board payment levels as provided in this section on July 1, 2025, and on January 1, 2026.

Section 2. Direction to department of public health and human services. The legislature directs the department of public health and human services to apply for a state plan amendment no later than January 1, 2026, to make assisted living facility services currently covered under the big sky waiver a service covered under the community first choice option available under the medicaid program.

Section 3. Reporting requirements -- big sky waiver and community first choice programs. (1) Each quarter of the 2027 biennium, the department of public health and human services shall report the following information for the preceding quarter to the health and human services interim budget committee provided for in 5-12-501:

- (a) the average number of people served each month through the big sky waiver and the community first choice option administered by the division overseeing long-term care services;
 - (b) the average number of people on the waiting list for the big sky waiver each month;
 - (c) any changes in the number of providers participating in the community first choice option;
 - (d) the average per-capita expenditures in the big sky waiver and the community first choice option; and
 - (e) the average utilization rate of individual service plan allotments in the community first choice option.
- (2) The reports must be provided in an electronic format and presented to the committee in person.

Section 4. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 53, chapter 6, and the provisions of Title 53, chapter 6, apply to [section 1].

Section 5. Effective date. [This act] is effective July 1, 2025.

- END -

I hereby certify that the within bill,
SB 296, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2023.

Speaker of the House

Signed this _____ day
of _____, 2023.

SENATE BILL NO. 296

INTRODUCED BY B. BEARD, M. MALONE, T. WELCH, C. KEOGH, J. SCHILLINGER, T. RUNNING WOLF, C. KNUDSEN, A. BUCKLEY, D. FERN, S. VINTON, L. REKSTEN, M. CAFERRO, M. THANE, F. SMITH, M. BERTOGLIO, L. BREWSTER, J. DOOLING, M. BINKLEY, B. LER, A. REGIER, K. SEEKINS-CROWE, F. NAVE, R. MARSHALL, E. BUTTREY, D. LOGE, R. FITZGERALD, G. OBLANDER, J. BERGSTROM, T. BROCKMAN, G. PARRY, M. YAKAWICH, B. BROWN, J. SMALL, B. MOLNAR, S. HINEBAUCH, S. FITZPATRICK, M. DUNWELL, D. LENZ, M. LANG, R. MINER, K. ABBOTT, D. EMRICH, J. KASSMIER, B. PHALEN, J. FIELDER, L. DEMING, S. HOWELL, Z. WIRTH, R. KNUDSEN

AN ACT CREATING THE SENIOR CARE FACILITY ACCESS AND STABILIZATION ACT; REVISING FUNDING LAWS RELATED TO SKILLED NURSING AND ASSISTED LIVING FACILITIES; ESTABLISHING PROCEDURES FOR CALCULATING ROOM AND BOARD COSTS FOR ASSISTED LIVING RESIDENTS; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO PURSUE THE COMMUNITY FIRST CHOICE FUNDING OPTION FOR ASSISTED LIVING; ESTABLISHING REPORTING REQUIREMENTS; AND PROVIDING A DELAYED EFFECTIVE DATE.