HOUSE BILL NO. 891

INTRODUCED BY J. CARLSON

A BILL FOR AN ACT ENTITLED: “AN ACT APPROPRIATING MONEY TO PROVIDE ONE-TIME-ONLY EMERGENCY STABILIZATION PAYMENTS TO NURSING HOMES IN FISCAL YEAR 2023; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.”

WHEREAS, nursing homes care for frail, elderly Montanans who were disproportionately affected by the COVID-19 pandemic; and

WHEREAS, nursing homes were disproportionately affected by the COVID-19 pandemic, losing residents and staff and coping with unprecedented inflation, labor costs, and workforce challenges; and

WHEREAS, more than 60% of all nursing home residents rely on Medicaid to pay for their care; and

WHEREAS, nursing homes throughout the state have closed, leaving residents struggling to find a new place to live and receive care and in many cases causing our most vulnerable seniors to move far from their family, friends, and home community; and

WHEREAS, the State of Montana undertook a study of Medicaid rates, which confirmed that Medicaid providers, including nursing homes, are seriously underpaid for their services; and

WHEREAS, Medicaid funding for nursing homes needs to increase to provide the resources needed as identified in the study, to promote access to quality Medicaid-funded services, and to avoid additional nursing home closures.

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

NEW SECTION. Section 1. Appropriation for supplemental payments to nursing homes. (1) There is appropriated $40,908,000 $5,000,000 from the general fund to the department of public health and human services for the fiscal year ending June 30, 2023, to make one-time-only emergency stabilization payments as soon as possible and no later than June 15, 2023, to nursing homes that provide services to medicaid recipients.
(2) The department shall calculate the emergency stabilization payment for each nursing home by:

(a) determining the percentage of total medicaid bed days provided from July 1, 2022, through January 31, 2023, by each nursing home operating in the state at the time the payment is made;

(b) determining the percentage of total medicaid bed days that each of the nursing homes provided during the time period; and

(c) paying each nursing home a percentage of the appropriation provided for in subsection (1) that is equal to the percentage of medicaid bed days the nursing home provided from July 1, 2022, through January 31, 2023.

(2) The department of public health and human services shall prioritize payment provided in subsection (1) as follows:

(A) to nursing homes that are more than 60 miles from another nursing home;

(B) to nursing homes in communities in which hospitals have a backlog of patients who cannot transition to a nursing home because of issues related to nursing home capacity; and

(C) by any other criteria identified by the department.

(3) The department of public health and human services may select the most appropriate means for distributing the funds, which may include but is not limited to direct one-time-only payments or increased temporary rates.

(4) The department of public health and human services may additionally require a nursing home who receives payments pursuant to this section to participate in projects or reporting regarding continuation of services as a condition of receiving the funds.

NEW SECTION. Section 2. Direction to department of public health and human services.

The legislature directs the department of public health and human services to file a timely state plan amendment related to the nursing home emergency stabilization payments provided for in [section 1] and take all other steps necessary to work with the centers for medicare and medicaid services to access federal medicaid funds available to match any portion of the payments.

(2) If federal funds become available, the legislature intends that the general fund appropriation be
NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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