

# HJR 35: CHILDREN'S MENTAL HEALTH SYSTEM ELIGIBILITY FOR SERVICES

## BACKGROUND

Montana's publicly funded mental health system for children encompasses children who:

- have a family income low enough to qualify for services funded with either Medicaid or Children's Health Insurance Program (CHIP) dollars;
- are in the custody of the state because of suspected or confirmed child abuse or neglect; or
- are under the supervision of the state because of involvement with the juvenile justice system.

This briefing paper provides an overview of the financial and mental health criteria for receiving services in the system.

## FINANCIAL REQUIREMENTS

Depending on the avenue through which children enter the mental health system, they may need to meet specific income criteria, as shown in the table below.

Category	Program	Income Level
Income Only	Medicaid	148% of federal poverty level*
Income Only	Healthy Montana Kids Plan (CHIP funded)	266% of federal poverty level*
Foster Child	Medicaid	No income limit
Justice-Involved	Medicaid, HMK, or JDIP	<ul style="list-style-type: none"><li>• Medicaid/HMK levels when applicable</li><li>• No income limit for JDIP-covered services</li></ul>

\* Percentage includes a 5% income disregard required under federal law.

Children in foster care are automatically eligible for Medicaid regardless of family income.

Children in the justice system may be eligible for Medicaid or HMK because of family income. However, some services – such as sex offender treatment – may not be covered by those programs or a service may be provided in a setting that is not eligible for Medicaid reimbursement. In those cases, the state uses general fund dollars set aside for the Juvenile Delinquency Intervention Program (JDIP) to cover the costs. But state law requires the Youth Court to initiate a cost-recovery plan from the parent or guardian.

# MENTAL HEALTH REQUIREMENTS

To qualify for many Medicaid-funded mental health services and for extended behavioral health services under HMK, a child must meet the criteria for Serious Emotional Disturbance (SED) by having both a mental health condition – as determined by a licensed mental health professional – and functional impairment related to the condition. The types of conditions and impairments differ based on a child's age, as shown in the tables below.

Mental Health Condition	
Under 6 Years of Age	6 Years of Age and Older*
Condition listed in the current Diagnostic and Statistical Manual of Mental Disorders (DSM)	Schizophrenia Spectrum/Other Psychotic Disorders
	Neurodevelopmental Disorders
	Bipolar and Related Disorders
	Aggressive Disorders
	Obsessive-Compulsive and Related Disorders
	Trauma- and Stressor-Related Disorders
	Dissociative Disorders
	Somatic Symptoms and Related Disorders
	Feeding and Eating Disorders
	Gender Dysphoria
	Disruptive/Impulse-Control/Conduct Disorders

\* The DSM lists, under each general diagnosis category, the specific SED diagnoses within that category.

Functional Impairment*	
Under 6 Years of Age	6 Years of Age and Older
Atypical, disruptive, or dangerous behavior that is aggressive or self-injurious	Failure to establish or maintain developmentally and culturally appropriate relationships with adult authority figures
Atypical emotional responses that interfere with functioning	Failure to establish or maintain developmentally and culturally appropriate peer relationships
Atypical thinking patterns that are bizarre, violent, or hypersexual for age and developmental expectations	Failure to demonstrate a developmentally appropriate range and expression of emotion or mood
Lack of positive interest/failure to respond to most social interaction	Disruptive behavior that causes isolation in or from school, home, therapeutic, or recreation settings
Indiscriminate sociability that increases risk to personal safety	Behavior that is seriously detrimental to the youth's growth, development, safety, or welfare or to the safety or welfare of others
Inappropriate and extreme fearfulness or distress that does not respond to comfort care	Behavior resulting in substantial documented disruption to the family

\* A child under 6 years of age must exhibit at least one functional impairment; older children must exhibit at least two.

## Sources

- "Children's Mental Health Bureau Medicaid Services Provider Manual." *Department of Public Health and Human Services*. January 1, 2021.
- "Healthy Montana Kids Member Guide." *BlueCross BlueShield of Montana*. Revised July 1, 2021.
- 37.87.102 and 37.87.903, Administrative Rules of Montana
- Discussions with Meghan Peel, DPHHS Children's Mental Health Bureau Chief; Youth Court Services Bureau Chief Tom Billteen; and Eden Roberts, Residential Services Manager, DPHHS Child and Family Services Division.