

1 **** BILL NO. ****
2 INTRODUCED BY ****
3 BY REQUEST OF THE ****
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR PRESUMPTIVE ELIGIBILITY UNDER THE
6 MONTANA MEDICAID PROGRAM FOR HOME AND COMMUNITY-BASED SERVICES FOR PERSONS
7 WITH DISABILITIES; PROVIDING AN APPROPRIATION; AMENDING SECTION 53-6-401, MCA; AND
8 PROVIDING AN EFFECTIVE DATE."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11

12 ***53-6-401 is included for convenient reference. This provisional draft does not modify 53-6-401.***

13 **53-6-401. Definitions.** As used in this part, the following definitions apply:

14 (1) "Department" means the department of public health and human services provided for in 2-15-
15 2201.

16 (2) "Home and community-based services" means, as provided for in section 1915 of Title XIX of
17 the Social Security Act, 42 U.S.C. 1396n(c), and any regulations implementing that statute, long-term medical,
18 habilitative, rehabilitative, and other services provided in personal residences or in community settings and
19 funded by the department with medicaid money.

20 (3) "Level-of-care determination" means an assessment of a person and the resulting
21 determination establishing whether long-term care facility services to be provided to the person are appropriate
22 to meet the health care and related circumstances and needs of the person.

23 (4) "Long-term care facility" means a facility that is certified by the department, as provided in
24 53-6-106, to provide skilled or intermediate nursing care services, including intermediate nursing care services
25 for persons with developmental disabilities or, for the purposes of implementation of medicaid-funded programs
26 of home and community-based services, that is recognized by the U.S. department of health and human
27 services to be an institutional setting from which persons may be diverted through the receipt of home and
28 community-based services.

1 (5) *"Long-term care preadmission screening" means, in accordance with section 1919 of Title XIX*
2 *of the Social Security Act, 42 U.S.C. 1396r, a process conducted according to a specific set of criteria for*
3 *determining whether a person with intellectual disability or mental illness may be admitted to a long-term care*
4 *facility.*

5 (6) *"Persons with disabilities or persons who are elderly" means, for purposes of establishing*
6 *home and community-based services, those categories of persons who are elderly and disabled as defined in*
7 *accordance with section 1915 of Title XIX of the Social Security Act, 42 U.S.C. 1396n.*

8

9 **NEW SECTION. Section 1. Presumptive eligibility for persons with disabilities or elderly**

10 **persons.** (1) Presumptive eligibility under the Montana medicaid program for home and community-based
11 services may be granted to a person who has a disability or who is elderly upon completion of the screening
12 process described in this section and authorization by the division of the department that administers long-term
13 care services for senior citizens and individuals with physical disabilities.

14 (2) The screening process may be conducted by:

15 (a) staff of the division of the department that administers long-term care services for senior
16 citizens and individuals with physical disabilities; or

17 (b) staff of one of the following facilities who have received training and certification from the
18 department to make presumptive eligibility determinations:

19 (i) an area agency on aging or their designated subcontractor,

20 (ii) a tribal entity, or

21 (iii) a hospital or hospital-affiliated facility.

22 (3) The screening process shall include:

23 (a) an application as prescribed by the department; and

24 (b) self-attestation that the applicant meets the income, resource, and residency requirements of
25 the Montana medicaid program prescribed in 53-6-131.

26 (4) The applicant or the applicant's representative must submit an application for ongoing
27 coverage under the Montana medicaid program provided for in 53-6-131 within 10 calendar days of the
28 applicant's presumptive eligibility determination.

1 (5) The presumptive eligibility period begins on the date the screening is completed and ends on
2 the date a determination of ongoing Montana medicaid program eligibility is made or the end of the month
3 following the month of the presumptive eligibility determination, whichever is earlier.

4 (6) A person may receive services under a presumptive eligibility only once within a consecutive
5 12-month period.

6 (7) The applicant does not have a right to an administrative hearing on presumptive eligibility.
7

8 NEW SECTION. Section 2. Appropriation. [This section intentionally left blank for committee
9 consideration.]

10
11 NEW SECTION. Section 3. Codification instruction. [Section 2] is intended to be codified as an integral
12 part of Title 53, chapter 6, part 4, and the provisions of Title 53, chapter 6, part 4, apply to [section 2].
13

14 NEW SECTION. Section 4. Effective date. [This section intentionally left blank for committee
15 consideration.]

16 - END -