

1 HOUSE BILL NO. 917
2 INTRODUCED BY B. KEENAN, L. JONES, J. ESP
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE PROVISIONS OF HOUSE BILL NO. 2;
5 REQUIRING THE EVALUATION OF THE SUPPLEMENTAL PAYMENT METHODOLOGY; ESTABLISHING
6 THE PERFORMANCE-BASED PAYMENT ACCOUNT; REVISING ALLOCATIONS OF PROCEEDS FROM
7 THE COLLECTION OF UTILIZATION FEES; SUSPENDING ADDITIONAL PAYMENTS TO DIRECT CARE
8 WORKERS IF NURSING HOME DAILY RATES EXCEED A CERTAIN AMOUNT; REVISING LICENSING FOR
9 NURSING HOME FACILITY BED CAPACITY RATES DEPENDING ON A FACILITY'S AVERAGE ACTUAL
10 OCCUPIED BED RATE; PROVIDING DIRECTION ON THE USE OF FEDERAL FUNDS; PROVIDING
11 RULEMAKING AUTHORITY; ESTABLISHING INTERIM REPORTING REQUIREMENTS; AMENDING
12 SECTIONS 15-60-210, 15-60-211, 50-5-204, AND 53-4-211, MCA; AND PROVIDING AN EFFECTIVE DATE."

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15
16 **NEW SECTION. Section 1. Evaluation of noncritical access hospital supplemental payment**
17 **methodology -- rules -- report.** (1) The department of public health and human services shall evaluate
18 supplemental payment methodology, including but not limited to how medicaid rate increases and hospital
19 costs impact the upper payment limit, the integrity of the cost-to-charge ratio calculation, and alternative upper
20 payment limit calculation methods that may result in more precision. The department shall also require
21 hospitals to provide evidence annually of how the upper payment limit payments impact efficiency, economy,
22 quality of care, and access.

23 (2) Additionally, the department shall adopt rules that define excessive outlier hospital utilization
24 fees and upper payment limits and assess graduated penalties to noncritical access hospitals that fit within that
25 definition.

26 (3) The department shall report on the activities described in this section to the joint appropriations
27 subcommittee for health and human services during the 2025 legislative session.

28

1 care subsidy program.

2

3 **NEW SECTION. Section 5. Budget submission.** When submitting the budget for the 2027
4 biennium, the department of public health and human services shall submit a line-item budget to the second
5 level of detail for each of the state-owned health care facilities under its supervision.

6

7 **NEW SECTION. Section 6. Staffing at department of public health and human services.**
8 Beginning July 1, 2023, and each quarter of the 2025 biennium, the department of public health and human
9 services shall submit to the children, families, health, and human services interim committee and the health and
10 human services budget committee the following information for staffing at the state-owned health care facilities
11 under its supervision:

- 12 (1) a list of all job classifications at each institution by job title;
- 13 (2) the number of FTE assigned to each job classification;
- 14 (3) the number of state employees employed in each job classification;
- 15 (4) the number of contract or traveling staff employed in each job classification;
- 16 (5) the number of positions in each job classification that are not filled by either a state employee
17 or contract staff and therefore are truly vacant positions;
- 18 (6) the total number of new hires and terminations in each job classification; and
- 19 (7) a narrative explaining how the department conducted recruitment efforts to fill vacant positions
20 at each health care facility.

21

22 **Section 7.** Section 15-60-210, MCA, is amended to read:

23 **"15-60-210. (Temporary) Disposition of fee.** (1) Except as provided in subsection (2), all proceeds
24 from the collection of utilization fees, including penalties and interest, must, in accordance with the provisions of
25 17-2-124, be deposited in the general fund.

26 (2) Utilization fees, including penalties and interest, collected from the Montana mental health
27 nursing care center must be allocated as follows:

28 (a) ~~30% to the state general fund; and~~