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HOUSE BILL NO. 449

INTRODUCED BY A. BUCKLEY, E. BUTTREY, D. SALOMON, T. WELCH, D. HARVEY, D. BEDEY, G.

NIKOLAKAKOS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR PEDIATRIC COMPLEX CARE ASSISTANT SERVICES UNDER THE MEDICAID PROGRAM; ESTABLISHING CERTIFICATION REQUIREMENTS FOR CARE ASSISTANTS; ALLOWING MEDICAID COVERAGE OF CARE ASSISTANT SERVICES; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 53-6-101 AND 53-6-402, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

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

**NEW SECTION. Section 1. Pediatric complex care assistant -- qualifications -- scope of practice.** (1) The department shall certify pediatric complex care assistants to aid in providing nursing-related services as allowed under this section to individuals who are:

- (a) under 21 years of age; and
- (b) eligible to receive medical assistance under this part or to receive home and community-based services under Title 53, chapter 6, part 4, because of the individual's physical or developmental disabilities.

(2) An applicant for certification as a pediatric complex care assistant shall submit to the department:

- (a) a fee required by the department by rule; and
- (b) proof that the applicant:
  - (i) has satisfactorily completed the necessary portions of a training program approved by the department and has received a valid certificate from the training program;
  - (ii) has satisfactorily completed a hands-on examination approved by the department that demonstrates the applicant's competence in the specific types of care to be provided to the individual to whom the applicant will be providing care; and
  - (iii) is a parent, guardian, or family member of an individual eligible to receive services or provides

**Amendment - 1st Reading-white - Requested by: Bill Mercer - (H) Appropriations**

- 2023

68th Legislature 2023

Drafter: Julie Johnson, 406-444-4024

HB0449.001.002

1 community-based services if the child would be eligible for or able to access the home and community-based  
2 services without prior authorization if the child was not in foster care.

3 (14) The department shall establish by rule the procedures for moving a person from a waiting list  
4 for services provided through a medicaid home and community-based services waiver into the waiver services,  
5 including the process and priorities to be used in making determinations related to the waiting list. The  
6 department may not modify the policies established in rule by adopting supplemental policies or procedures not  
7 subject to the administrative rulemaking process.

8 (15) The department shall adopt rules for the provision of the fraud prevention training required  
9 under 53-6-405, including but not limited to establishing the elements that must be contained in fraud  
10 prevention education materials and the models that may be used for the training.

11 (16) The department shall adopt rules to carry out the cost reporting provisions of 53-6-406,  
12 including but not limited to the costs that a provider is required to report to the department, the format of the  
13 report, and the deadline for filing the report."  
14

15 NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an  
16 integral part of Title 53, chapter 6, part 1, and the provisions of Title 53, chapter 6, part 1, apply to [section 1].  
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18 NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 2023.  
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20 NEW SECTION. Section 6. Termination. [This act] terminates June 30, 2027.  
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- END -