

1 HOUSE BILL NO. 65
2 INTRODUCED BY T. MOORE
3 BY REQUEST OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING COST REPORTING REQUIREMENTS
6 FOR HOME AND COMMUNITY-BASED SERVICE PROVIDERS; ESTABLISHING REPORTING
7 REQUIREMENTS; AMENDING SECTION 53-6-406, MCA; AND PROVIDING AN EFFECTIVE DATE."
8

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

11 Section 1. Section 53-6-406, MCA, is amended to read:

12 "**53-6-406. Fiscal accountability for home and community-based services -- report to**
13 **legislature.** (1) (a) A provider of ~~personal assistance or attendant services or supports~~ home and community-
14 based services shall submit cost information to the department each year if ~~the personal assistance, community~~
15 supports, private-duty nursing, or attendant services or supports are funded:

- 16 (i) as a state plan service;
- 17 (ii) through a medicaid state plan option available to the state under 42 U.S.C. 1396n(k); or
- 18 (iii) under a home and community-based services waiver ~~for the elderly and disabled~~ that is
19 operated through a division of the department that administers ~~long-term care~~ home and community-based
20 ~~services for senior citizens and individuals with physical disabilities.~~

21 (b) The information provided to the department must reflect costs incurred during the provider's
22 most recent fiscal year.

23 (2) The department shall develop a standardized format for the information that includes the
24 recognized revenues and expenditures incurred by providers.

25 (3) The department shall analyze cost information submitted by providers to determine at a
26 minimum:

- 27 (a) the reasonable cost of providing the home and community-based services detailed in the
28 report;

Amendment - 1st Reading-white - Requested by: Jennifer Carlson - (H) Human Services

- 2023

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Drafter: Milly Allen, 406-444-9280

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1 (b) the percentage of a provider's cost represented by payment of wages and benefits for direct-
2 care employees; and

3 (c) the level of profit or loss that each provider incurred in delivering the service. The profit or loss
4 must be determined by comparing the recognized cost of providing the service with the medicaid
5 reimbursement provided for the same service.

6 ~~(4) The department may adopt rules requiring other providers of medicaid home and community-~~
7 ~~based services that are provided in a person's home to submit the cost information required under this section.~~

8 (4) The department shall establish protocols to protect provider-specific confidential data from
9 public disclosure.

10 (5) By September 1 of the year preceding a regular legislative session, the department shall report
11 to the children, families, health, and human services interim committee in accordance with 5-11-210 on all
12 information in this section."

13

14 NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 2023.

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- END -