

HOUSE BILL NO. 65

INTRODUCED BY T. MOORE

BY REQUEST OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) BY SEPTEMBER 1 OF THE YEAR PRECEDING A REGULAR LEGISLATIVE SESSION, THE DEPARTMENT SHALL REPORT TO THE CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES INTERIM COMMITTEE IN ACCORDANCE WITH 5-11-210 ON ALL INFORMATION IN THIS SECTION. "

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

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