

1 SENATE BILL NO. 72

2 INTRODUCED BY M. YAKAWICH

3 BY REQUEST OF THE CHILDREN, FAMILIES, HEALTH AND HUMAN SERVICES INTERIM COMMITTEE

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5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR PRESUMPTIVE ELIGIBILITY UNDER THE
6 MONTANA MEDICAID PROGRAM FOR CERTAIN HOME AND COMMUNITY-BASED SERVICES FOR
7 PERSONS WITH PHYSICAL DISABILITIES AND PERSONS WHO ARE ELDERLY; PROVIDING A
8 SCREENING PROCESS FOR PRESUMPTIVE ELIGIBILITY; AND STATING TERMS OF PRESUMPTIVE
9 ELIGIBILITY."

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

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13 NEW SECTION. **Section 1. Presumptive eligibility for persons with physical disabilities or**
14 **elderly persons.** (1) (a) Presumptive eligibility under the Montana medicaid program for certain home and
15 community-based services may be granted to a person who has a physical disability or who is elderly upon
16 completion of the following:

17 (i) the screening process described in this section; and
18 (ii) authorization by the division of the department that administers long-term care services for
19 senior citizens and individuals with physical disabilities.

20 (b) Home and community-based services covered under the presumptive eligibility determination
21 as provided for in this section include the following:

22 (i) personal care services;
23 (ii) meal delivery;
24 (iii) personal emergency response systems;
25 (iv) medical equipment and supplies;
26 (v) assistive or adaptive technology; and
27 (vi) other services necessary to successfully transition a patient from a hospital to the community or
28 stabilize a patient within the community to prevent hospitalization.

- 1 (2) (a) The screening process may be conducted by staff of:
- 2 (i) the division of the department that administers long-term care services for senior citizens and
- 3 individuals with physical disabilities; or
- 4 (ii) one of the following facilities who have received training and certification from the department
- 5 to make presumptive eligibility determinations:
- 6 (A) an area agency on aging or its designated subcontractor;
- 7 (B) a tribal entity;
- 8 (C) a hospital or hospital-affiliated facility; or
- 9 (D) another entity deemed appropriate by the department or the division of the department that
- 10 administers long-term care services for senior citizens and individuals with physical disabilities.
- 11 (b) Initial training of staff must be completed before an entity is certified to complete presumptive
- 12 eligibility determinations, and the certification must be renewed annually.
- 13 (3) The screening process must include:
- 14 (a) an application as prescribed by the department;
- 15 (b) self-attestation that the applicant meets the income, resource, and residency requirements of
- 16 the Montana medicaid program as prescribed in 53-6-131; and
- 17 (c) a functional assessment to establish an in-home and community care plan.
- 18 (4) The applicant or the applicant's representative shall submit an application for ongoing coverage
- 19 under the Montana medicaid program as provided in 53-6-131 within 10 calendar days following the applicant's
- 20 presumptive eligibility determination.
- 21 (5) The presumptive eligibility period begins on the date the screening is completed and ends on
- 22 the date a determination of ongoing Montana medicaid program eligibility is made or at the end of the month
- 23 following the month of the presumptive eligibility determination, whichever is earlier.
- 24 (6) A person may receive services under a presumptive eligibility determination only once within a
- 25 consecutive 12-month period.
- 26 (7) The applicant does not have a right to an administrative hearing on presumptive eligibility.
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28 NEW SECTION. **Section 2. Notification to tribal governments.** The secretary of state shall send a

1 copy of [this act] to each federally recognized tribal government in Montana.

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3 NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an
4 integral part of Title 53, chapter 6, part 4, and the provisions of Title 53, chapter 6, part 4, apply to [section 1].

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