

HOUSE BILL 122

Introduced by Russell, et al.

1/08	Introduced
1/08	Referred to Local Government
1/09	First Reading
1/09	Fiscal Note Requested
1/14	Fiscal Note Received
1/15	Fiscal Note Printed
2/15	Rereferred to Taxation
3/05	Hearing
3/18	Tabled in Committee

1 HOUSE BILL NO. 122
 2 INTRODUCED BY Russell H. Price
 3 BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE
 4 ON ADULT AND JUVENILE DETENTION

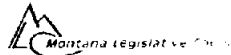
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 6 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING GENERAL
 7 RELIEF MEDICAL ASSISTANCE FOR INPATIENT HOSPITAL SERVICES TO
 8 QUALIFIED PERSONS INCARCERATED IN SECURE FACILITIES OPERATED
 9 BY A LOCAL AUTHORITY; AND AMENDING SECTIONS 7-32-2222 AND
 10 53-3-205, MCA."

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

13 **Section 1.** Section 7-32-2222, MCA, is amended to read:
 14 "7-32-2222. Health and safety of prisoners. (1) Each
 15 detention center ~~must~~ shall comply with state and local fire
 16 codes for correctional occupancy and with sanitation,
 17 safety, and health codes.
 18 (2) Designated exits must permit prompt evacuation of
 19 inmates and detention center staff in an emergency.
 20 (3) When there is good reason to believe that the
 21 inmates may be injured or endangered, the detention center
 22 administrator ~~must~~ shall remove them to a safe and
 23 convenient place and confine them there as long as necessary
 24 to avoid the danger.
 25 (4) ~~if~~ Except as provided in this subsection, if in the

1 opinion of the detention center administrator an inmate
 2 under his jurisdiction requires medication, medical
 3 services, or hospitalization, the expense must be borne by
 4 the agency or authority at whose instance the inmate was
 5 arrested when the arresting agency or authority is not the
 6 county in which the inmate is confined, ~~except that if~~. If a
 7 city or town commits a person to the detention center of the
 8 county in which the city or town is located for a reason
 9 other than detention pending trial for or detention for
 10 service of a sentence for violating an ordinance of that
 11 city or town, the expense must be paid by the county. If an
 12 inmate is eligible for general relief medical assistance
 13 pursuant to 53-3-206, then payment must be made from funds
 14 available for the assistance. The county attorney shall
 15 initiate proceedings to collect from the inmate any charges
 16 arising from the medical services or hospitalization for the
 17 inmate involved if he determines the inmate is financially
 18 able to pay."

19 **Section 2.** Section 53-3-205, MCA, is amended to read:
 20 "53-3-205. Eligibility for general relief. (1) Except
 21 as otherwise provided under this chapter, a person may
 22 receive general relief for basic necessities if the
 23 household is determined to be eligible under the provisions
 24 of this section.
 25 (2) A person is eligible for general relief assistance



1 if his total household income, including presumptive income
 2 but exclusive of the earned income disregard provided for in
 3 subsection (3), does not exceed the amount established by
 4 the department by rule. The department shall establish the
 5 amount, taking into account the size of the household and
 6 the estimated number of eligible households. The amount must
 7 be based on a percentage of the federal poverty index. The
 8 percentage is established in the state general
 9 appropriations act.

10 (3) For 4 consecutive months, the first \$30 plus
 11 one-third of the remainder of the total income earned each
 12 month by each household member who is a current recipient
 13 must be disregarded in determining a household's eligibility
 14 for general relief assistance. If the total household
 15 income, exclusive of this amount, exceeds the amount
 16 established by the department under subsection (2), the
 17 household is not eligible for general relief assistance. A
 18 current recipient is one who has been receiving general
 19 relief assistance for at least 1 complete calendar month.

20 (4) (a) If a person's household income exceeds the
 21 monthly income standard provided in subsection (2) because
 22 of receipt of lump-sum income, he is ineligible for general
 23 relief assistance for the full number of months, beginning
 24 with the month of receipt, derived by dividing the total of
 25 the lump-sum income and other income by the monthly income

1 standard. Any income remaining from this calculation will be
 2 considered as income in the first month following the period
 3 of ineligibility.

4 (b) The period of ineligibility may be recalculated if
 5 the household size changes or if a portion of the lump-sum
 6 income was used to pay medical bills for a serious medical
 7 condition.

8 (c) Ineligibility due to the receipt of lump-sum income
 9 does not preclude eligibility for general relief medical
 10 assistance.

11 (5) All applicants for and recipients of general relief
 12 assistance who reside in the same residence are considered
 13 as one household.

14 (6) Eligibility for nonmedical general relief
 15 assistance must be determined prospectively, based on
 16 household income and other relevant circumstances reasonably
 17 certain to exist in the month in which assistance is to be
 18 provided. Once eligibility is determined, an individual must
 19 be paid benefits in accordance with the method provided for
 20 in 53-3-311.

21 (7) (a) Except as provided in subsection (7)(b), the
 22 equity value of all household resources must be considered
 23 available to meet the needs of the individual applying for
 24 general relief.

25 (b) The following resources of a household must be

1 excluded from consideration of resources for eligibility
2 purposes:

3 (i) the domicile of the household, including necessary
4 appurtenant land not exceeding 10 acres;

5 (ii) a motor vehicle that has no more than \$1,500 in
6 equity value;

7 (iii) personal items, clothing, household furniture,
8 appliances, and other essential household items, the total
9 equity value of which does not exceed resource eligibility
10 limits established by rule; and

11 (iv) tools of a trade that are essential to the current
12 or future employment of a household member.

13 (8) A (a) Except as provided in subsection (8)(b), a
14 person who is committed or sentenced by legal process to a
15 state institution or a secure facility or who is
16 incarcerated in a secure facility pending resolution of
17 legal process is not eligible for general relief.

18 (b) A person who is committed or sentenced by legal
19 process to a secure facility operated by a local authority
20 or who is incarcerated in a secure facility operated by a
21 local authority pending resolution of legal process is
22 eligible for general relief medical assistance, but only for
23 inpatient hospital services, if the person meets the
24 eligibility requirements in 53-3-206.

25 (9) A person who resides for a period of 1 day or more

1 in any state or federally operated institution or residence
2 is not eligible for general relief for the period of that
3 residency.

4 (10) For the purposes of an eligibility determination,
5 an applicant for or recipient of general relief may be
6 requested to produce all financial and other information
7 concerning the household.

8 (11) Whenever practical, an eligibility determination
9 must be made within 30 days of the date of application and
10 the applicant must be notified in writing of the eligibility
11 determination and the reasons for the determination."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0122, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act providing general relief medical assistance for inpatient hospital services to qualified persons incarcerated in secure facilities operated by a local authority.

ASSUMPTIONS:

1. The bill applies to all counties in the state.
2. Accurate data on the number of potential clients incarcerated in county and municipal jails and eligible for the state medical program is unavailable. Data from county sheriff's medical expenses was used as these expenses are incurred when inmates are unable to pay. Data was obtained from the twelve state-assumed counties which represent one-half of the total state population.
3. It is estimated that 90% of the number of persons receiving sheriff's medical benefits would be eligible for state medical under this bill.
4. Based upon FY89 data, the inpatient hospital cost percentage for state medical of 47% is applied to the sheriff's medical expenses. A further 20% reduction was then applied attributable to estimates by county sheriffs that the relative percentage of inpatient hospital costs to total costs is lower for sheriff's medical expenses.
5. The Department of Social and Rehabilitation Services will not be required to account for expenses separately for each incarcerated client.
6. Current level expenditures and funding are the executive recommended budget for the 1993 biennium.

FISCAL IMPACT:Department of Social and Rehabilitation Services

	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
Benefits and Claims	<u>1,224,594</u>	<u>1,398,455</u>	<u>173,861</u>	<u>1,273,378</u>	<u>1,447,239</u>	<u>173,861</u>
<u>Funding:</u>						
General Fund (01)	<u>1,224,594</u>	<u>1,398,455</u>	<u>173,861</u>	<u>1,273,378</u>	<u>1,447,239</u>	<u>173,861</u>


EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

County expenditures would be reduced by approximately \$173,000 per year during the 1993 biennium on a statewide basis.


ROD SUNDSTED, BUDGET DIRECTOR

DATE

Office of Budget and Program Planning


ANGELA RUSSELL, PRIMARY SPONSOR

DATE

Fiscal Note for HB0122, as introduced

HB 122

APPROVED BY COMM.
ON LOCAL GOVERNMENT

HOUSE BILL NO. 122

INTRODUCED BY RUSSELL, STRIZICH, J. RICE
BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE
ON ADULT AND JUVENILE DETENTION

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING GENERAL
RELIEF MEDICAL ASSISTANCE FOR-INPATIENT-HOSPITAL-SERVICES TO
QUALIFIED PERSONS INCARCERATED IN SECURE FACILITIES OPERATED
BY A LOCAL AUTHORITY; PROVIDING AN APPROPRIATION; AND
AMENDING SECTIONS 7-32-2222 AND, 53-3-205, AND 53-3-206,
MCA."

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

Section 1. Section 7-32-2222, MCA, is amended to read:

"7-32-2222. Health and safety of prisoners. (1) Each
detention center ~~must~~ shall comply with state and local fire
codes for correctional occupancy and with sanitation,
safety, and health codes.

(2) Designated exits must permit prompt evacuation of
inmates and detention center staff in an emergency.

(3) When there is good reason to believe that the
inmates may be injured or endangered, the detention center
administrator ~~must~~ shall remove them to a safe and
convenient place and confine them there as long as necessary
to avoid the danger.

(4) if Except as provided in this subsection, if in the
opinion of the detention center administrator an inmate
under his jurisdiction requires medication, medical
services, or hospitalization, the expense must be borne by
the agency or authority at whose instance the inmate was
arrested when the arresting agency or authority is not the
county in which the inmate is confined~~7-except-that-if. If~~ if a
city or town commits a person to the detention center of the
county in which the city or town is located for a reason
other than detention pending trial for or detention for
service of a sentence for violating an ordinance of that
city or town, the expense must be paid by the county. If an
inmate is eligible for general relief medical assistance
pursuant to 53-3-206, then payment must be made from funds
available for the assistance. The county attorney shall
initiate proceedings to collect from the inmate any charges
arising from the medical services or hospitalization for the
inmate involved if he determines the inmate is financially
able to pay."

Section 2. Section 53-3-205, MCA, is amended to read:

"53-3-205. Eligibility for general relief. (1) Except
as otherwise provided under this chapter, a person may
receive general relief for basic necessities if the
household is determined to be eligible under the provisions
of this section.

SECOND READING

1 (2) A person is eligible for general relief assistance
 2 if his total household income, including presumptive income
 3 but exclusive of the earned income disregard provided for in
 4 subsection (3), does not exceed the amount established by
 5 the department by rule. The department shall establish the
 6 amount, taking into account the size of the household and
 7 the estimated number of eligible households. The amount must
 8 be based on a percentage of the federal poverty index. The
 9 percentage is established in the state general
 10 appropriations act.

11 (3) For 4 consecutive months, the first \$30 plus
 12 one-third of the remainder of the total income earned each
 13 month by each household member who is a current recipient
 14 must be disregarded in determining a household's eligibility
 15 for general relief assistance. If the total household
 16 income, exclusive of this amount, exceeds the amount
 17 established by the department under subsection (2), the
 18 household is not eligible for general relief assistance. A
 19 current recipient is one who has been receiving general
 20 relief assistance for at least 1 complete calendar month.

21 (4) (a) If a person's household income exceeds the
 22 monthly income standard provided in subsection (2) because
 23 of receipt of lump-sum income, he is ineligible for general
 24 relief assistance for the full number of months, beginning
 25 with the month of receipt, derived by dividing the total of

1 the lump-sum income and other income by the monthly income
 2 standard. Any income remaining from this calculation will be
 3 considered as income in the first month following the period
 4 of ineligibility.

5 (b) The period of ineligibility may be recalculated if
 6 the household size changes or if a portion of the lump-sum
 7 income was used to pay medical bills for a serious medical
 8 condition.

9 (c) Ineligibility due to the receipt of lump-sum income
 10 does not preclude eligibility for general relief medical
 11 assistance.

12 (5) All applicants for and recipients of general relief
 13 assistance who reside in the same residence are considered
 14 as one household.

15 (6) Eligibility for nonmedical general relief
 16 assistance must be determined prospectively, based on
 17 household income and other relevant circumstances reasonably
 18 certain to exist in the month in which assistance is to be
 19 provided. Once eligibility is determined, an individual must
 20 be paid benefits in accordance with the method provided for
 21 in 53-3-311.

22 (7) (a) Except as provided in subsection (7)(b), the
 23 equity value of all household resources must be considered
 24 available to meet the needs of the individual applying for
 25 general relief.

1 (b) The following resources of a household must be
 2 excluded from consideration of resources for eligibility
 3 purposes:

4 (i) the domicile of the household, including necessary
 5 appurtenant land not exceeding 10 acres;

6 (ii) a motor vehicle that has no more than \$1,500 in
 7 equity value;

8 (iii) personal items, clothing, household furniture,
 9 appliances, and other essential household items, the total
 10 equity value of which does not exceed resource eligibility
 11 limits established by rule; and

12 (iv) tools of a trade that are essential to the current
 13 or future employment of a household member.

14 (8) A (a) Except as provided in subsection (8)(b), a
 15 person who is committed or sentenced by legal process to a
 16 state institution or a secure facility or who is
 17 incarcerated in a secure facility pending resolution of
 18 legal process is not eligible for general relief.

19 (b) A person who is committed or sentenced by legal
 20 process to a secure facility operated by a local authority
 21 or who is incarcerated in a secure facility operated by a
 22 local authority pending resolution of legal process is
 23 eligible for general relief medical assistance, but only for
 24 inpatient--hospital--services, if the person meets the
 25 eligibility requirements in 53-3-206.

1 (9) A person who resides for a period of 1 day or more
 2 in any state or federally operated institution or residence
 3 is not eligible for general relief for the period of that
 4 residency.

5 (10) For the purposes of an eligibility determination,
 6 an applicant for or recipient of general relief may be
 7 requested to produce all financial and other information
 8 concerning the household.

9 (11) Whenever practical, an eligibility determination
 10 must be made within 30 days of the date of application and
 11 the applicant must be notified in writing of the eligibility
 12 determination and the reasons for the determination."

13 SECTION 3. SECTION 53-3-206, MCA, IS AMENDED TO READ:

14 "53-3-206. Eligibility for general relief medical
 15 assistance. (1) In order to be considered for--eligibility
 16 eligible for general relief medical assistance, a person
 17 must be found to have a serious medical condition.

18 (2) Eligibility for general relief medical assistance
 19 must be determined as provided in 53-3-205 and this section.
 20 A Except as provided in subsection (9), a person with a
 21 serious medical condition must apply for general relief
 22 medical assistance prior to the provision of medical
 23 services or within 90 days of the date the medical service
 24 is first provided. Eligibility is determined as of the date
 25 medical service is first provided.

1 (3) All persons who reside in the same residence and
2 are either married to each other or are the parents or
3 children of other persons living in the same residence are
4 considered to be one household for purposes of determining
5 general relief medical assistance.

6 (4) All individual or household resources must be used
7 to offset medical obligations except those resources
8 excluded in 53-3-205(7) or used to offset nonmedical general
9 relief payments during the same period.

10 (5) A household is ineligible to receive general relief
11 medical assistance if the household is ineligible for
12 medicaid as a result of overpayment, fraud, or failure or
13 refusal to comply with requirements for continued
14 participation in the medicaid program.

15 (6) To determine eligibility for county general relief
16 medical assistance, a county welfare board may promulgate
17 rules to establish the circumstances under which persons are
18 unable to pay for their medical aid and hospitalization.
19 However, no household with an income exceeding 300% of the
20 amount set forth in 53-3-205(2) is eligible for such medical
21 assistance.

22 (7) In a county with state-assumed welfare services, a
23 person is not eligible for medical services if the household
24 in which he resides has an average monthly income after
25 consideration of the earned income disregard provided for in

1 53-3-205(3), reasonably certain to be received in a 12-month
2 period beginning with the month the medical service was
3 provided, in excess of the amount established by the
4 department by rule. The department shall establish the
5 amount, taking into account the size of the household and
6 the estimated number of eligible households. The amount must
7 be 150% of the amount established in 53-3-205(2).

8 (8) Notwithstanding the other provisions of this
9 section, in a county with state-assumed welfare services, a
10 person whose eligibility for general relief assistance is
11 terminated because of earned income from employment may
12 continue to receive general relief medical assistance for 1
13 month.

14 (9) A person described in 53-3-205(8)(b) is immediately
15 eligible for general relief medical assistance if declared
16 indigent by the district court. No other requirements for
17 eligibility may apply except that the person must have a
18 serious medical condition for which treatment is medically
19 necessary."

20 NEW SECTION. SECTION 4. APPROPRIATION. THE FOLLOWING
21 MONEY IS APPROPRIATED FROM THE GENERAL FUND TO THE
22 DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES TO PROVIDE
23 FOR THE ADDITIONAL GENERAL MEDICAL RELIEF ASSISTANCE
24 REQUIRED IN [SECTIONS 1 AND 2]:

25 FISCAL YEAR 1992 \$254,441

HB 0122/02

1 FISCAL YEAR 1993 339,255

-End-