

HOUSE BILL NO. 876

INTRODUCED BY WYATT, SQUIRES, STRIZICH, J. RICE, MESSMORE,
MCCULLOCH, R. JOHNSON, CLARK, BECKER, RUSSELL, D. BROWN,
MEASURE, DARKO, STICKNEY, LEE, GOULD

IN THE HOUSE

FEBRUARY 14, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON HUMAN SERVICES & AGING.

FEBRUARY 15, 1991 FIRST READING.

FEBRUARY 23, 1991 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

FEBRUARY 25, 1991 PRINTING REPORT.

ON MOTION, TAKEN FROM SECOND READING
AND REREFERRED TO THE COMMITTEE
ON APPROPRIATIONS.

MARCH 25, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

MARCH 26, 1991 PRINTING REPORT.

MARCH 27, 1991 SECOND READING, DO PASS.

MARCH 28, 1991 ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 93; NOES, 6.

TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 28, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON FINANCE & CLAIMS.

FIRST READING.

APRIL 10, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

APRIL 11, 1991 SECOND READING, CONCURRED IN.

APRIL 12, 1991 THIRD READING, CONCURRED IN.
AYES, 40; NOES, 9.

RETURNED TO HOUSE.

IN THE HOUSE

APRIL 13, 1991

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. *876*
 2 INTRODUCED BY *Tim Patte* *James H. McManis*
 3 *McLellod* *Anthony Clark Becker* *Russell* *Joe* *McManis*
 4 *Medema* *Deke* *Dave Bean*

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CONTINUE
 6 THE MIAMI PROJECT; TO EXPAND THE MEMBERSHIP OF THE MIAMI
 7 PROJECT ADVISORY COUNCIL TO INCLUDE AN INDIAN TRIBAL MEMBER;
 8 TO REQUIRE MORBIDITY REVIEWS OF BIRTHS INVOLVING LOW
 9 BIRTHWEIGHT BABIES; TO REQUIRE AMBULATORY PRENATAL CARE FOR
 10 PREGNANT WOMEN DURING A PRESUMPTIVE ELIGIBILITY PERIOD; TO
 11 AUTHORIZE TARGETED CASE MANAGEMENT SERVICES FOR HIGH-RISK
 12 PREGNANT WOMEN; TO PROVIDE MEDICAID ELIGIBILITY TO INFANTS
 13 AND PREGNANT WOMEN WHOSE FAMILY INCOME DOES NOT EXCEED 185
 14 PERCENT OF THE FEDERAL POVERTY THRESHOLD; TO MANDATE
 15 CONTINUOUS ELIGIBILITY FOR INFANTS AND PREGNANT WOMEN;
 16 AMENDING SECTIONS 2-15-2109, 50-19-311, 50-19-312, 53-6-101,
 17 AND 53-6-131, MCA; REPEALING SECTION 15, CHAPTER 649, LAWS
 18 OF 1989; AND PROVIDING AN EFFECTIVE DATE."

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

20 **Section 1.** Section 2-15-2109, MCA, is amended to read:
 21 "~~2-15-2109.~~ ~~{Temporary}~~-MIAMI project advisory council.
 22 (1) There is a Montana initiative for the abatement of
 23 mortality in infants (MIAMI) project advisory council.
 24 (2) The council is composed of ~~seven~~ eight members
 25 appointed by the governor as follows:

- 1 (a) one person from the department who is involved in
- 2 providing preventative health services for women and
- 3 children;
- 4 (b) one person from the department of social and
- 5 rehabilitation services who administers or supervises
- 6 services under the Montana medicaid program;
- 7 (c) one person from a local health department;
- 8 (d) one person from among local service providers;
- 9 (e) one person representing a nonprofit child health
- 10 organization;
- 11 (f) one private physician who specializes in obstetric
- 12 or pediatric care; and
- 13 (g) one person involved in children's issues or
- 14 programs who is a representative of a parents' organization;
- 15 and
- 16 (h) one person who is an enrolled member of a
- 17 recognized Indian tribe and who is knowledgeable and
- 18 involved in health services to Indians as a consumer,
- 19 provider, or advocate.
- 20 (3) The council is allocated to the department for
- 21 administrative purposes only as provided in 2-15-121.
- 22 (4) The provisions of 2-15-122(5) through (8) apply to
- 23 the council and its members. ~~{Terminates June 30, 1991--sec-~~
- 24 ~~157-Ch-6497-b7-1989-}~~"

25 **Section 2.** Section 50-19-311, MCA, is amended to read:

INTRODUCED BILL
 HB 876



1 "50-19-311. ~~(Temporary)~~--MIAMI project. (1) There is a
 2 MIAMI project established in the department.
 3 (2) Under the project, the department shall provide the
 4 following services:
 5 (a) infant mortality review;
 6 (b) morbidity review of births involving low
 7 birthweight babies;
 8 ~~(b)(c)~~ low birthweight prevention;
 9 ~~(c)(d)~~ assistance to low-income women and infants in
 10 gaining access to prenatal care, delivery, and postpartum
 11 care;
 12 ~~(d)(e)~~ referral of low-income women and children to
 13 other programs to protect the health of women and children,
 14 including:
 15 (i) supplemental food programs for women, infants, and
 16 children;
 17 (ii) family planning services; and
 18 (iii) other maternal and child health programs;
 19 ~~(e)(f)~~ public education and community outreach to
 20 inform the public on:
 21 (i) the importance of receiving early prenatal care;
 22 (ii) the need for good health habits during pregnancy;
 23 and
 24 (iii) the availability of special services for pregnant
 25 women and for children. ~~(Terminates June 30, 1991--sec--157~~

1 ~~Ch--6497-B--1989--)~~"
 2 **Section 3.** Section 50-19-312, MCA, is amended to read:
 3 "50-19-312. ~~(Temporary)~~-Advisory council -- powers and
 4 duties. The council shall:
 5 (1) advise the department on matters relating to
 6 administration of the MIAMI project;
 7 (2) review and monitor activities conducted under the
 8 project;
 9 (3) gather information relating to infant mortality and
 10 morbidity and the incidence of low birthweight babies;
 11 (4) identify problems in the quality and availability
 12 of maternal and child health services; and
 13 (5) make recommendations to improve maternal and child
 14 health services consistent with the purposes of this part.
 15 ~~(Terminates June 30, 1991--sec--157--Ch--6497-B--1989--)~~"
 16 **Section 4.** Section 53-6-101, MCA, is amended to read:
 17 "53-6-101. **Montana medicaid program -- authorization of**
 18 **services.** (1) There is a Montana medicaid program
 19 established for the purpose of providing necessary medical
 20 services to eligible persons who have need for medical
 21 assistance. The Montana medicaid program is a joint
 22 federal-state program administered under this chapter and in
 23 accordance with Title XIX of the federal Social Security Act
 24 (42 U.S.C. 1396, et seq.), as may be amended. The department
 25 of social and rehabilitation services shall administer the

1 Montana medicaid program.

2 (2) Medical assistance provided by the Montana medicaid
3 program includes the following services:

4 (a) inpatient hospital services;

5 (b) outpatient hospital services;

6 (c) other laboratory and x-ray services;

7 (d) skilled nursing services in long-term care
8 facilities;

9 (e) physicians' services;

10 (f) nurse specialist services;

11 (g) early and periodic screening, diagnosis, and
12 treatment services for persons under 21 years of age;

13 (h) ambulatory prenatal care for pregnant women during
14 a presumptive eligibility period, as provided in 42 U.S.C.
15 1396a(a)(47) and 42 U.S.C. 1396r-1;

16 (i) targeted case management services, as authorized in
17 42 U.S.C. 1396n(g), for high-risk pregnant women;

18 ~~(j)~~(j) services provided by physician
19 assistants-certified within the scope of their practice and
20 that are otherwise directly reimbursed as allowed under
21 department rule to an existing provider;

22 ~~(k)~~(k) health services provided under a physician's
23 orders by a public health department; and

24 ~~(l)~~(l) hospice care as defined in 42 U.S.C. 1396d(o).

25 (3) Medical assistance provided by the Montana medicaid

1 program may, as provided by department rule, also include
2 the following services:

3 (a) medical care or any other type of remedial care
4 recognized under state law, furnished by licensed
5 practitioners within the scope of their practice as defined
6 by state law;

7 (b) home health care services;

8 (c) private-duty nursing services;

9 (d) dental services;

10 (e) physical therapy services;

11 (f) mental health center services administered and
12 funded under a state mental health program authorized under
13 Title 53, chapter 21, part 2;

14 (g) clinical social worker services;

15 (h) prescribed drugs, dentures, and prosthetic devices;

16 (i) prescribed eyeglasses;

17 (j) other diagnostic, screening, preventive,
18 rehabilitative, chiropractic, and osteopathic services;

19 (k) inpatient psychiatric hospital services for persons
20 under 21 years of age;

21 (l) services of professional counselors licensed under
22 Title 37, chapter 23, if funds are specifically appropriated
23 for the inclusion of these services in the Montana medicaid
24 program;

25 ~~(m)--ambulatory-prenatal-care-for-pregnant-women--during~~

~~a--presumptive--eligibility-period,--as-provided-in-42-U.S.C.
1396a(a)(47)--and-42-U.S.C.-1396r-17~~

~~(n)(m)~~ any additional medical service or aid allowable under or provided by the federal Social Security Act.

(4) The department may implement, as provided for in Title XIX of the federal Social Security Act (42 U.S.C. 1396, et seq.), as may be amended, a program under medicaid for payment of medicare premiums, deductibles, and coinsurance for persons not otherwise eligible for medicaid.

(5) The department may set rates for medical and other services provided to recipients of medicaid and may enter into contracts for delivery of services to individual recipients or groups of recipients.

(6) The services provided under this part may be only those that are medically necessary and that are the most efficient and cost effective.

(7) The amount, scope, and duration of services provided under this part must be determined by the department in accordance with Title XIX of the federal Social Security Act (42 U.S.C. 1396, et seq.), as may be amended.

(8) Services, procedures, and items of an experimental or cosmetic nature may not be provided.

(9) If available funds are not sufficient to provide medical assistance for all eligible persons, the department

may set priorities to limit, reduce, or otherwise curtail the amount, scope, or duration of the medical services made available under the Montana medicaid program.

(10) Community-based medicaid services, as provided for in part 4 of this chapter, must be provided in accordance with the provisions of this chapter and the rules adopted thereunder. (Subsection (2)(j) terminates June 30, 1991--sec. 4, Ch. 633, L. 1989; ~~Subsection-(3)(m)-terminates June-30-1991--sec-157-Ch-649-Br-1989.~~)"

Section 5. Section 53-6-131, MCA, is amended to read:

"53-6-131. Eligibility requirements. (1) Medical assistance under the Montana medicaid program may be granted to a person who is determined by the department of social and rehabilitation services to be eligible as follows:

(a) The person receives or is considered to be receiving supplemental security income benefits under Title XVI of the federal Social Security Act (42 U.S.C. 1381, et seq.) or aid to families with dependent children under Title IV of the federal Social Security Act (42 U.S.C. 601, et seq.).

(b) The person would be eligible for assistance under a program described in subsection (1)(a) if he were to apply for such assistance.

(c) The person is in a medical facility that is a medicaid provider and, but for residence in the facility, he

1 would be receiving assistance under one of the programs in
2 subsection (1)(a).

3 (d) The person is under 19 years of age and meets the
4 conditions of eligibility in the state plan for aid to
5 families with dependent children, other than with respect to
6 school attendance.

7 (e) The person is under 21 years of age and in foster
8 care under the supervision of the state or was in foster
9 care under the supervision of the state and has been adopted
10 as a hard-to-place child.

11 (f) The person meets the nonfinancial criteria of the
12 categories in subsections (1)(a) through (1)(e) and:

13 (i) the person's income does not exceed the medically
14 needy income level specified for federally aided categories
15 of assistance and his resources are within the resource
16 standards of the federal supplemental security income
17 program; or

18 (ii) the person, while having income greater than the
19 medically needy income level specified for federally aided
20 categories of assistance, has an adjusted income level,
21 after incurring medical expenses, that does not exceed the
22 medically needy income level specified for federally aided
23 categories of assistance and his resources are within the
24 resource standards of the federal supplemental security
25 income program.

1 ~~(g) The person is under 1 year of age and~~
2 ~~(i) has income that does not exceed income standards as~~
3 ~~may be required by the federal Social Security Act; and~~
4 ~~(ii) has resources that do not exceed standards the~~
5 ~~department determines reasonable for purposes of the~~
6 ~~program.~~

7 ~~(2) A person who is pregnant is eligible for~~
8 ~~pregnancy-related medical assistance under the Montana~~
9 ~~medicaid program if she:~~

10 ~~(a) has income that does not exceed income standards as~~
11 ~~may be required by the federal Social Security Act; and~~

12 ~~(b) has resources that do not exceed standards the~~
13 ~~department determines reasonable for purposes of the~~
14 ~~program.~~

15 (g) The person is a qualified pregnant woman or child
16 as defined in 42 U.S.C. 1396d(n).

17 (3) The Montana medicaid program shall pay for the
18 premiums necessary for participation in the medicare program
19 and may, within the discretion of the department, pay all or
20 a portion of the medicare deductibles and coinsurance for a
21 medicare-eligible person who:

22 (a) has income that does not exceed income standards as
23 may be required by the federal Social Security Act; and

24 (b) has resources that do not exceed standards the
25 department determines reasonable for purposes of the

1 program.

2 (4) The department, under the Montana medicaid program,
3 may provide, if a waiver is not available from the federal
4 government, medicaid and other assistance mandated by Title
5 XIX of the federal Social Security Act (42 U.S.C. 1396, et
6 seq.), as may be amended, and not specifically listed in
7 this part to categories of persons that may be designated by
8 the act for receipt of assistance.

9 (5) Notwithstanding any other provision of this
10 chapter, medical assistance must be provided to pregnant
11 women--and-to infants and pregnant women whose family income
12 does not exceed 185% of the federal poverty threshold, as
13 provided in 42 U.S.C. 1396a(a)(10)(A)(ii)(IX) and 42 U.S.C.
14 1396a(1)(2)(A)(i).

15 (6) A person described in subsection (5) must be
16 provided continuous eligibility for medical assistance, as
17 authorized in 42 U.S.C. 1396a(e)(5) through a(e)(7).
18 ~~{Subsection-(5)-terminates-June-30,-1991--sec--157-Ch--649,~~
19 ~~Br--1989-}~~"

20 **NEW SECTION. Section 6.** Repealer. Section 15, Chapter
21 649, Laws of 1989, is repealed.

22 **NEW SECTION. Section 7.** Effective date. [This act] is
23 effective June 30, 1991.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0876, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill to revise and continue the MIAMI project; to expand the membership of the MIAMI project advisory council to include an Indian tribal member; to require morbidity review of births involving low birthweight babies; to require ambulatory prenatal care for pregnant women during a presumptive eligibility period; to authorize targeted case management services for high-risk pregnant women; to provide medicaid eligibility to infants and pregnant women whose family income does not exceed 185 percent of the federal poverty threshold; and to mandate continuous eligibility for infants and pregnant women.

ASSUMPTIONS:

1. Authority to continue the perinatal program at the current level, including the MIAMI Project and infant mortality review, is requested in the executive budget for the Department of Health and Environmental Sciences. Appropriations subcommittee action to date has funded the current level perinatal program plus an expansion of \$341,076 in general fund for the biennium.
2. Approximately 35 women would be eligible each year for presumptive eligibility benefits @ \$100 per individual.
3. 25% of recipients of targeted case-management services will meet high risk criteria; the remaining 75% will meet low risk criteria.
4. Medicaid will pay for 32% and 37% in FY92 and FY93, respectively, of all births in the state, an increase of 540 and 848 births in FY92 and FY93, respectively. Reimbursement rates are assumed at the FY91 levels or an average of \$2,192 per birth. Increases in provider reimbursement rates would increase costs. Postpartum care will average \$60 per birth.
5. Coverage for infants would be provided continuously for up to one year as long as the child remains with the mother and the mother stays on medicaid. The average annual cost for infants in the first year of life is estimated at \$1,102.
6. 100 births per year would be ineligible for medicaid due to increased income during pregnancy, but would be covered by continuous eligibility provided for under HB0876.
7. The general fund match rate will be .2829 and .2810 in FY92 and FY93, respectively.

FISCAL IMPACT:

see next page



ROD SUNDSTED, BUDGET DIRECTOR

2-21-91

DATE

Office of Budget and Program Planning



DIANA WYATT, PRIMARY SPONSOR

DATE

Fiscal Note for HB0876, as introduced.

HB 876

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 & Claims	0	2,658,718	2,658,718	0	3,766,902	3,766,902
<u>Funding:</u>						
General Fund (01)	0	752,151	752,151	0	1,058,499	1,058,499
Federal Funds (03)	0	<u>1,906,567</u>	<u>1,906,567</u>	0	<u>2,708,403</u>	<u>2,708,403</u>
Total	0	2,658,718	2,658,718	0	3,766,902	3,766,902
General Fund Impact			(752,151)			(1,058,499)

LONG RANGE EFFECTS OF PROPOSED LEGISLATION:

In FY94, it is estimated that medicaid will pay for 40% of all births in the state and would remain at that level in following years.

TECHNICAL NOTES:

1. Section 5 (6) should be amended to authorize continuous eligibility for pregnant women only because there are no provisions for continuous eligibility for infants under federal law.
2. The effective date should be changed to July 1, 1991 rather than June 30, 1991.

HB 876

APPROVED BY COMM. ON HUMAN SERVICES AND AGING

1 HOUSE BILL NO. 876
2 INTRODUCED BY [Signatures]
3 [Signatures]

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CONTINUE
5 THE MIAMI PROJECT; TO EXPAND THE MEMBERSHIP OF THE MIAMI
6 PROJECT ADVISORY COUNCIL TO INCLUDE AN INDIAN TRIBAL MEMBER;
7 TO REQUIRE MORBIDITY REVIEWS OF BIRTHS INVOLVING LOW
8 BIRTHWEIGHT BABIES; TO REQUIRE AMBULATORY PRENATAL CARE FOR
9 PREGNANT WOMEN DURING A PRESUMPTIVE ELIGIBILITY PERIOD; TO
10 AUTHORIZE TARGETED CASE MANAGEMENT SERVICES FOR HIGH-RISK
11 PREGNANT WOMEN; TO PROVIDE MEDICAID ELIGIBILITY TO INFANTS
12 AND PREGNANT WOMEN WHOSE FAMILY INCOME DOES NOT EXCEED 185
13 PERCENT OF THE FEDERAL POVERTY THRESHOLD; TO MANDATE
14 CONTINUOUS ELIGIBILITY FOR INFANTS AND PREGNANT WOMEN;
15 AMENDING SECTIONS 2-15-2109, 50-19-311, 50-19-312, 53-6-101,
16 AND 53-6-131, MCA; REPEALING SECTION 15, CHAPTER 649, LAWS
17 OF 1989; AND PROVIDING AN EFFECTIVE DATE."

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

19 Section 1. Section 2-15-2109, MCA, is amended to read:

20 "2-15-2109. ~~Temporary~~-MIAMI project advisory council.

21 (1) There is a Montana initiative for the abatement of
22 mortality in infants (MIAMI) project advisory council.

23 (2) The council is composed of seven eight members
24 appointed by the governor as follows:

1 (a) one person from the department who is involved in
2 providing preventative health services for women and
3 children;

4 (b) one person from the department of social and
5 rehabilitation services who administers or supervises
6 services under the Montana medicaid program;

7 (c) one person from a local health department;

8 (d) one person from among local service providers;

9 (e) one person representing a nonprofit child health
10 organization;

11 (f) one private physician who specializes in obstetric
12 or pediatric care; and

13 (g) one person involved in children's issues or
14 programs who is a representative of a parents' organization;
15 and

16 (h) one person who is an enrolled member of a
17 recognized Indian tribe and who is knowledgeable and
18 involved in health services to Indians as a consumer,
19 provider, or advocate.

20 (3) The council is allocated to the department for
21 administrative purposes only as provided in 2-15-121.

22 (4) The provisions of 2-15-122(5) through (8) apply to
23 the council and its members. ~~Terminates June 30, 1991--sec-~~
24 ~~157-247-6497-b7-1989-7"~~

25 Section 2. Section 50-19-311, MCA, is amended to read:

SECOND READING
HB 876



1 "50-19-311. ~~(Temporary)~~--MIAMI project. (1) There is a
 2 MIAMI project established in the department.
 3 (2) Under the project, the department shall provide the
 4 following services:
 5 (a) infant mortality review;
 6 **(b) morbidity review of births involving low**
 7 **birthweight babies;**
 8 **~~(b)~~(c)** low birthweight prevention;
 9 **~~(c)~~(d)** assistance to low-income women and infants in
 10 gaining access to prenatal care, delivery, and postpartum
 11 care;
 12 **~~(d)~~(e)** referral of low-income women and children to
 13 other programs to protect the health of women and children,
 14 including:
 15 (i) supplemental food programs for women, infants, and
 16 children;
 17 (ii) family planning services; and
 18 (iii) other maternal and child health programs;
 19 **~~(e)~~(f)** public education and community outreach to
 20 inform the public on:
 21 (i) the importance of receiving early prenatal care;
 22 (ii) the need for good health habits during pregnancy;
 23 and
 24 (iii) the availability of special services for pregnant
 25 women and for children. ~~(Terminates-June-30, 1991--sec--157~~

1 ~~Ch-6497-b-1989-7)~~"
 2 **Section 3.** Section 50-19-312, MCA, is amended to read:
 3 "50-19-312. ~~(Temporary)~~-Advisory council -- powers and
 4 duties. The council shall:
 5 (1) advise the department on matters relating to
 6 administration of the MIAMI project;
 7 (2) review and monitor activities conducted under the
 8 project;
 9 (3) gather information relating to infant mortality and
 10 morbidity and the incidence of low birthweight babies;
 11 (4) identify problems in the quality and availability
 12 of maternal and child health services; and
 13 (5) make recommendations to improve maternal and child
 14 health services consistent with the purposes of this part.
 15 ~~(Terminates-June-30, 1991--sec--157-Ch-6497-b-1989-7)~~"
 16 **Section 4.** Section 53-6-101, MCA, is amended to read:
 17 "53-6-101. **Montana medicaid program** -- authorization of
 18 services. (1) There is a Montana medicaid program
 19 established for the purpose of providing necessary medical
 20 services to eligible persons who have need for medical
 21 assistance. The Montana medicaid program is a joint
 22 federal-state program administered under this chapter and in
 23 accordance with Title XIX of the federal Social Security Act
 24 (42 U.S.C. 1396, et seq.), as may be amended. The department
 25 of social and rehabilitation services shall administer the

1 Montana medicaid program.

2 (2) Medical assistance provided by the Montana medicaid
3 program includes the following services:

4 (a) inpatient hospital services;

5 (b) outpatient hospital services;

6 (c) other laboratory and x-ray services;

7 (d) skilled nursing services in long-term care
8 facilities;

9 (e) physicians' services;

10 (f) nurse specialist services;

11 (g) early and periodic screening, diagnosis, and
12 treatment services for persons under 21 years of age;

13 (h) ambulatory prenatal care for pregnant women during
14 a presumptive eligibility period, as provided in 42 U.S.C.
15 1396a(a)(47) and 42 U.S.C. 1396r-1;

16 (i) targeted case management services, as authorized in
17 42 U.S.C. 1396n(g), for high-risk pregnant women;

18 ~~(h)~~(j) services provided by physician
19 assistants-certified within the scope of their practice and
20 that are otherwise directly reimbursed as allowed under
21 department rule to an existing provider;

22 ~~(i)~~(k) health services provided under a physician's
23 orders by a public health department; and

24 ~~(j)~~(l) hospice care as defined in 42 U.S.C. 1396d(o).

25 (3) Medical assistance provided by the Montana medicaid

1 program may, as provided by department rule, also include
2 the following services:

3 (a) medical care or any other type of remedial care
4 recognized under state law, furnished by licensed
5 practitioners within the scope of their practice as defined
6 by state law;

7 (b) home health care services;

8 (c) private-duty nursing services;

9 (d) dental services;

10 (e) physical therapy services;

11 (f) mental health center services administered and
12 funded under a state mental health program authorized under
13 Title 53, chapter 21, part 2;

14 (g) clinical social worker services;

15 (h) prescribed drugs, dentures, and prosthetic devices;

16 (i) prescribed eyeglasses;

17 (j) other diagnostic, screening, preventive,
18 rehabilitative, chiropractic, and osteopathic services;

19 (k) inpatient psychiatric hospital services for persons
20 under 21 years of age;

21 (l) services of professional counselors licensed under
22 Title 37, chapter 23, if funds are specifically appropriated
23 for the inclusion of these services in the Montana medicaid
24 program;

25 ~~(m)--ambulatory-prenatal-care-for-pregnant-women--during~~

1 ~~a--presumptive--eligibility-period, as provided in 42 U.S.C.~~
2 ~~1396a(a)(47) and 42 U.S.C. 1396r-1;~~

3 ~~(n)(m)~~ any additional medical service or aid allowable
4 under or provided by the federal Social Security Act.

5 (4) The department may implement, as provided for in
6 Title XIX of the federal Social Security Act (42 U.S.C.
7 1396, et seq.), as may be amended, a program under medicaid
8 for payment of medicare premiums, deductibles, and
9 coinsurance for persons not otherwise eligible for medicaid.

10 (5) The department may set rates for medical and other
11 services provided to recipients of medicaid and may enter
12 into contracts for delivery of services to individual
13 recipients or groups of recipients.

14 (6) The services provided under this part may be only
15 those that are medically necessary and that are the most
16 efficient and cost effective.

17 (7) The amount, scope, and duration of services
18 provided under this part must be determined by the
19 department in accordance with Title XIX of the federal
20 Social Security Act (42 U.S.C. 1396, et seq.), as may be
21 amended.

22 (8) Services, procedures, and items of an experimental
23 or cosmetic nature may not be provided.

24 (9) If available funds are not sufficient to provide
25 medical assistance for all eligible persons, the department

1 may set priorities to limit, reduce, or otherwise curtail
2 the amount, scope, or duration of the medical services made
3 available under the Montana medicaid program.

4 (10) Community-based medicaid services, as provided for
5 in part 4 of this chapter, must be provided in accordance
6 with the provisions of this chapter and the rules adopted
7 thereunder. (Subsection (2)(j) terminates June 30,
8 1991--sec. 4, Ch. 633, L. 1989; ~~Subsection (3)(m) terminates~~
9 ~~June 30, 1991--sec. 15, Ch. 649, B. 1989.)"~~

10 **Section 5.** Section 53-6-131, MCA, is amended to read:

11 ***53-6-131. Eligibility requirements.** (1) Medical
12 assistance under the Montana medicaid program may be granted
13 to a person who is determined by the department of social
14 and rehabilitation services to be eligible as follows:

15 (a) The person receives or is considered to be
16 receiving supplemental security income benefits under Title
17 XVI of the federal Social Security Act (42 U.S.C. 1381, et
18 seq.) or aid to families with dependent children under Title
19 IV of the federal Social Security Act (42 U.S.C. 601, et
20 seq.).

21 (b) The person would be eligible for assistance under a
22 program described in subsection (1)(a) if he were to apply
23 for such assistance.

24 (c) The person is in a medical facility that is a
25 medicaid provider and, but for residence in the facility, he

1 would be receiving assistance under one of the programs in
2 subsection (1)(a).

3 (d) The person is under 19 years of age and meets the
4 conditions of eligibility in the state plan for aid to
5 families with dependent children, other than with respect to
6 school attendance.

7 (e) The person is under 21 years of age and in foster
8 care under the supervision of the state or was in foster
9 care under the supervision of the state and has been adopted
10 as a hard-to-place child.

11 (f) The person meets the nonfinancial criteria of the
12 categories in subsections (1)(a) through (1)(e) and:

13 (i) the person's income does not exceed the medically
14 needy income level specified for federally aided categories
15 of assistance and his resources are within the resource
16 standards of the federal supplemental security income
17 program; or

18 (ii) the person, while having income greater than the
19 medically needy income level specified for federally aided
20 categories of assistance, has an adjusted income level,
21 after incurring medical expenses, that does not exceed the
22 medically needy income level specified for federally aided
23 categories of assistance and his resources are within the
24 resource standards of the federal supplemental security
25 income program.

1 ~~{g}--The person is under 1 year of age and;~~
2 ~~{i}--has income that does not exceed income standards as~~
3 ~~may be required by the federal Social Security Act; and~~
4 ~~{ii}--has resources that do not exceed standards the~~
5 ~~department determines reasonable for purposes of the~~
6 ~~program;~~

7 ~~{2}--A person who is pregnant is eligible for~~
8 ~~pregnancy-related medical assistance under the Montana~~
9 ~~medicaid program if she;~~

10 ~~{a}--has income that does not exceed income standards as~~
11 ~~may be required by the federal Social Security Act; and~~
12 ~~{b}--has resources that do not exceed standards the~~
13 ~~department determines reasonable for purposes of the~~
14 ~~program;~~

15 {g} The person is a qualified pregnant woman or child
16 as defined in 42 U.S.C. 1396d(n).

17 (3) The Montana medicaid program shall pay for the
18 premiums necessary for participation in the medicare program
19 and may, within the discretion of the department, pay all or
20 a portion of the medicare deductibles and coinsurance for a
21 medicare-eligible person who:

22 (a) has income that does not exceed income standards as
23 may be required by the federal Social Security Act; and

24 (b) has resources that do not exceed standards the
25 department determines reasonable for purposes of the

1 program.

2 (4) The department, under the Montana medicaid program,
3 may provide, if a waiver is not available from the federal
4 government, medicaid and other assistance mandated by Title
5 XIX of the federal Social Security Act (42 U.S.C. 1396, et
6 seq.), as may be amended, and not specifically listed in
7 this part to categories of persons that may be designated by
8 the act for receipt of assistance.

9 (5) Notwithstanding any other provision of this
10 chapter, medical assistance must be provided to pregnant
11 ~~women--and-to~~ infants and pregnant women whose family income
12 does not exceed 185% of the federal poverty threshold, as
13 provided in 42 U.S.C. 1396a(a)(10)(A)(ii)(IX) and 42 U.S.C.
14 1396a(l)(2)(A)(i).

15 (6) A person described in subsection (5) must be
16 provided continuous eligibility for medical assistance, as
17 authorized in 42 U.S.C. 1396a(e)(5) through a(e)(7).
18 ~~{Subsection-(5)-terminates-June-30,-1991--sec--15,-Ch--649,~~
19 ~~h--1989-}~~"

20 NEW SECTION. Section 6. Repealer. Section 15, Chapter
21 649, Laws of 1989, is repealed.

22 NEW SECTION. Section 7. Effective date. [This act] is
23 effective June 30, 1991.

-End-

RE-REFERRED AND
APPROVED BY COMMITTEE
ON APPROPRIATIONS
AS AMENDED

HOUSE BILL NO. 876

INTRODUCED BY WYATT, SQUIRES, STRIZICH, J. RICE, MESSMORE,
MCCULLOCH, R. JOHNSON, CLARK, BECKER, RUSSELL, D. BROWN,
MEASURE, DARKO, STICKNEY, LEE, GOULD

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CONTINUE
THE MIAMI PROJECT; TO EXPAND THE MEMBERSHIP OF THE MIAMI
PROJECT ADVISORY COUNCIL TO INCLUDE AN INDIAN TRIBAL MEMBER;
TO REQUIRE MORBIDITY REVIEWS OF BIRTHS INVOLVING LOW
BIRTHWEIGHT BABIES; TO REQUIRE AMBULATORY PRENATAL CARE FOR
PREGNANT WOMEN DURING A PRESUMPTIVE ELIGIBILITY PERIOD; TO
AUTHORIZE TARGETED CASE MANAGEMENT SERVICES FOR HIGH-RISK
PREGNANT WOMEN; TO PROVIDE MEDICAID ELIGIBILITY TO INFANTS
AND PREGNANT WOMEN WHOSE FAMILY INCOME DOES NOT EXCEED 185
133 PERCENT OF THE FEDERAL POVERTY THRESHOLD; TO MANDATE
CONTINUOUS ELIGIBILITY FOR INFANTS AND PREGNANT WOMEN; TO
APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND
ENVIRONMENTAL SCIENCES; AMENDING SECTIONS 2-15-2109,
50-19-311, 50-19-312, 53-6-101, AND 53-6-131, MCA; REPEALING
SECTION 15, CHAPTER 649, LAWS OF 1989; AND PROVIDING AN
EFFECTIVE DATE."

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

Section 1. Section 2-15-2109, MCA, is amended to read:

"2-15-2109. ~~(Temporary)~~-MIAMI project advisory council.

(1) There is a Montana initiative for the abatement of
mortality in infants (MIAMI) project advisory council.

(2) The council is composed of ~~seven~~ eight members
appointed by the governor as follows:

(a) one person from the department who is involved in
providing preventative health services for women and
children;

(b) one person from the department of social and
rehabilitation services who administers or supervises
services under the Montana medicaid program;

(c) one person from a local health department;

(d) one person from among local service providers;

(e) one person representing a nonprofit child health
organization;

(f) one private physician who specializes in obstetric
or pediatric care; and

(g) one person involved in children's issues or
programs who is a representative of a parents' organization;
and

(h) one person who is an enrolled member of a
recognized Indian tribe and who is knowledgeable and
involved in health services to Indians as a consumer,
provider, or advocate.

(3) The council is allocated to the department for
administrative purposes only as provided in 2-15-121.



1 (4) The provisions of 2-15-122(5) through (8) apply to
 2 the council and its members. ~~{Terminates-June-30,1991--sec-~~
 3 ~~157-Chr-6497-E-1989-}~~"

4 **Section 2.** Section 50-19-311, MCA, is amended to read:
 5 "50-19-311. ~~{Temporary}~~--MIAMI project. (1) There is a
 6 MIAMI project established in the department.

7 (2) Under the project, the department shall provide the
 8 following services:

- 9 (a) infant mortality review;
- 10 (b) morbidity review of births involving low
- 11 birthweight babies;
- 12 ~~f~~(c) low birthweight prevention;
- 13 ~~t~~(d) assistance to low-income women and infants in
- 14 gaining access to prenatal care, delivery, and postpartum
- 15 care;

16 ~~d~~(e) referral of low-income women and children to
 17 other programs to protect the health of women and children,
 18 including:

- 19 (i) supplemental food programs for women, infants, and
- 20 children;
- 21 (ii) family planning services; and
- 22 (iii) other maternal and child health programs;
- 23 ~~t~~(f) public education and community outreach to
- 24 inform the public on:
- 25 (i) the importance of receiving early prenatal care;

1 (ii) the need for good health habits during pregnancy;
 2 and
 3 (iii) the availability of special services for pregnant
 4 women and for children. ~~{Terminates-June-30,1991--sec-~~
 5 ~~Chr-6497-E-1989-}~~"

6 **Section 3.** Section 50-19-312, MCA, is amended to read:
 7 "50-19-312. ~~{Temporary}~~--Advisory council -- powers and
 8 duties. The council shall:

- 9 (1) advise the department on matters relating to
- 10 administration of the MIAMI project;
- 11 (2) review and monitor activities conducted under the
- 12 project;
- 13 (3) gather information relating to infant mortality and
- 14 morbidity and the incidence of low birthweight babies;
- 15 (4) identify problems in the quality and availability
- 16 of maternal and child health services; and
- 17 (5) make recommendations to improve maternal and child
- 18 health services consistent with the purposes of this part.
- 19 ~~{Terminates-June-30,1991--sec-157-Chr-6497-E-1989-}~~"

20 **Section 4.** Section 53-6-101, MCA, is amended to read:
 21 "53-6-101. Montana medicaid program -- authorization of
 22 services. (1) There is a Montana medicaid program
 23 established for the purpose of providing necessary medical
 24 services to eligible persons who have need for medical
 25 assistance. The Montana medicaid program is a joint

1 federal-state program administered under this chapter and in
 2 accordance with Title XIX of the federal Social Security Act
 3 (42 U.S.C. 1396, et seq.), as may be amended. The department
 4 of social and rehabilitation services shall administer the
 5 Montana medicaid program.

6 (2) Medical assistance provided by the Montana medicaid
 7 program includes the following services:

- 8 (a) inpatient hospital services;
- 9 (b) outpatient hospital services;
- 10 (c) other laboratory and x-ray services;
- 11 (d) skilled nursing services in long-term care
 12 facilities;
- 13 (e) physicians' services;
- 14 (f) nurse specialist services;
- 15 (g) early and periodic screening, diagnosis, and
 16 treatment services for persons under 21 years of age;
- 17 (h) ambulatory prenatal care for pregnant women during
 18 a presumptive eligibility period, as provided in 42 U.S.C.
 19 1396a(a)(47) and 42 U.S.C. 1396r-1;
- 20 (i) targeted case management services, as authorized in
 21 42 U.S.C. 1396n(g), for high-risk pregnant women;
- 22 ~~(h)~~(j) services provided by physician
 23 assistants-certified within the scope of their practice and
 24 that are otherwise directly reimbursed as allowed under
 25 department rule to an existing provider;

1 ~~(i)~~(k) health services provided under a physician's
 2 orders by a public health department; and

3 ~~(j)~~(l) hospice care as defined in 42 U.S.C. 1396d(o).

4 (3) Medical assistance provided by the Montana medicaid
 5 program may, as provided by department rule, also include
 6 the following services:

- 7 (a) medical care or any other type of remedial care
 8 recognized under state law, furnished by licensed
 9 practitioners within the scope of their practice as defined
 10 by state law;
- 11 (b) home health care services;
- 12 (c) private-duty nursing services;
- 13 (d) dental services;
- 14 (e) physical therapy services;
- 15 (f) mental health center services administered and
 16 funded under a state mental health program authorized under
 17 Title 53, chapter 21, part 2;
- 18 (g) clinical social worker services;
- 19 (h) prescribed drugs, dentures, and prosthetic devices;
- 20 (i) prescribed eyeglasses;
- 21 (j) other diagnostic, screening, preventive,
 22 rehabilitative, chiropractic, and osteopathic services;
- 23 (k) inpatient psychiatric hospital services for persons
 24 under 21 years of age;
- 25 (l) services of professional counselors licensed under

1 Title 37, chapter 23, if funds are specifically appropriated
 2 for the inclusion of these services in the Montana medicaid
 3 program;

4 ~~(m)--ambulatory-prenatal-care-for-pregnant-women--during~~
 5 ~~a--presumptive--eligibility-period,as-provided-in-42-U.S.C.~~
 6 ~~1396a(a)(47)-and-42-U.S.C.-1396r-17~~

7 ~~(n)(m)~~ any additional medical service or aid allowable
 8 under or provided by the federal Social Security Act.

9 (4) The department may implement, as provided for in
 10 Title XIX of the federal Social Security Act (42 U.S.C.
 11 1396, et seq.), as may be amended, a program under medicaid
 12 for payment of medicare premiums, deductibles, and
 13 coinsurance for persons not otherwise eligible for medicaid.

14 (5) The department may set rates for medical and other
 15 services provided to recipients of medicaid and may enter
 16 into contracts for delivery of services to individual
 17 recipients or groups of recipients.

18 (6) The services provided under this part may be only
 19 those that are medically necessary and that are the most
 20 efficient and cost effective.

21 (7) The amount, scope, and duration of services
 22 provided under this part must be determined by the
 23 department in accordance with Title XIX of the federal
 24 Social Security Act (42 U.S.C. 1396, et seq.), as may be
 25 amended.

1 (8) Services, procedures, and items of an experimental
 2 or cosmetic nature may not be provided.

3 (9) If available funds are not sufficient to provide
 4 medical assistance for all eligible persons, the department
 5 may set priorities to limit, reduce, or otherwise curtail
 6 the amount, scope, or duration of the medical services made
 7 available under the Montana medicaid program.

8 (10) Community-based medicaid services, as provided for
 9 in part 4 of this chapter, must be provided in accordance
 10 with the provisions of this chapter and the rules adopted
 11 thereunder. (Subsection (2)(j) terminates June 30,
 12 1991--sec. 4, Ch. 633, L. 1989--Subsection-(3)(m)-terminates
 13 June-30,1991--sec-15,Ch-649,Er-1989.)"

14 **Section 5.** Section 53-6-131, MCA, is amended to read:

15 **"53-6-131. Eligibility requirements.** (1) Medical
 16 assistance under the Montana medicaid program may be granted
 17 to a person who is determined by the department of social
 18 and rehabilitation services to be eligible as follows:

19 (a) The person receives or is considered to be
 20 receiving supplemental security income benefits under Title
 21 XVI of the federal Social Security Act (42 U.S.C. 1381, et
 22 seq.) or aid to families with dependent children under Title
 23 IV of the federal Social Security Act (42 U.S.C. 601, et
 24 seq.).

25 (b) The person would be eligible for assistance under a

1 program described in subsection (1)(a) if he were to apply
2 for such assistance.

3 (c) The person is in a medical facility that is a
4 medicaid provider and, but for residence in the facility, he
5 would be receiving assistance under one of the programs in
6 subsection (1)(a).

7 (d) The person is under 19 years of age and meets the
8 conditions of eligibility in the state plan for aid to
9 families with dependent children, other than with respect to
10 school attendance.

11 (e) The person is under 21 years of age and in foster
12 care under the supervision of the state or was in foster
13 care under the supervision of the state and has been adopted
14 as a hard-to-place child.

15 (f) The person meets the nonfinancial criteria of the
16 categories in subsections (1)(a) through (1)(e) and:

17 (i) the person's income does not exceed the medically
18 needy income level specified for federally aided categories
19 of assistance and his resources are within the resource
20 standards of the federal supplemental security income
21 program; or

22 (ii) the person, while having income greater than the
23 medically needy income level specified for federally aided
24 categories of assistance, has an adjusted income level,
25 after incurring medical expenses, that does not exceed the

1 medically needy income level specified for federally aided
2 categories of assistance and his resources are within the
3 resource standards of the federal supplemental security
4 income program.

5 ~~(g) The person is under 1 year of age and:~~
6 ~~(i) has income that does not exceed income standards as~~
7 ~~may be required by the federal Social Security Act, and~~
8 ~~(ii) has resources that do not exceed standards the~~
9 ~~department determines reasonable for purposes of the~~
10 ~~program.~~

11 ~~(2) A person who is pregnant is eligible for~~
12 ~~pregnancy-related medical assistance under the Montana~~
13 ~~medicaid program if she:~~

14 ~~(a) has income that does not exceed income standards as~~
15 ~~may be required by the federal Social Security Act, and~~
16 ~~(b) has resources that do not exceed standards the~~
17 ~~department determines reasonable for purposes of the~~
18 ~~program.~~

19 (g) The person is a qualified pregnant woman or child
20 as defined in 42 U.S.C. 1396d(n).

21 (3) The Montana medicaid program shall pay for the
22 premiums necessary for participation in the medicare program
23 and may, within the discretion of the department, pay all or
24 a portion of the medicare deductibles and coinsurance for a
25 medicare-eligible person who:

1 (a) has income that does not exceed income standards as
 2 may be required by the federal Social Security Act; and

3 (b) has resources that do not exceed standards the
 4 department determines reasonable for purposes of the
 5 program.

6 (4) The department, under the Montana medicaid program,
 7 may provide, if a waiver is not available from the federal
 8 government, medicaid and other assistance mandated by Title
 9 XIX of the federal Social Security Act (42 U.S.C. 1396, et
 10 seq.), as may be amended, and not specifically listed in
 11 this part to categories of persons that may be designated by
 12 the act for receipt of assistance.

13 (5) Notwithstanding any other provision of this
 14 chapter, medical assistance must be provided to pregnant
 15 women--and-to infants and pregnant women whose family income
 16 does not exceed ~~185%~~ 133% of the federal poverty threshold,
 17 as provided in 42 U.S.C. 1396a(a)(10)(A)(ii)(IX) and 42
 18 U.S.C. 1396a(l)(2)(A)(i).

19 (6) A person described in subsection (5) must be
 20 provided continuous eligibility for medical assistance, as
 21 authorized in 42 U.S.C. 1396a(e)(5) through a(e)(7).
 22 ~~{Subsection (5) terminates June 30, 1991--see 157-Chr--649,~~
 23 ~~67-1989-}~~"

24 NEW SECTION. SECTION 6. APPROPRIATION. THERE IS
 25 APPROPRIATED TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL

1 SCIENCES \$14,000 FROM THE GENERAL FUND FOR THE BIENNIUM
 2 ENDING JUNE 30, 1993, FOR THE PURPOSE OF IMPLEMENTING [THIS
 3 ACT].

4 NEW SECTION. Section 7. Repealer. Section 15, Chapter
 5 649, Laws of 1989, is repealed.

6 NEW SECTION. Section 8. Effective date. [This act] is
 7 effective June 30, 1991.

-End-

1 HOUSE BILL NO. 876

2 INTRODUCED BY WYATT, SQUIRES, STRIZICH, J. RICE, MESSMORE,
3 MCCULLOCH, R. JOHNSON, CLARK, BECKER, RUSSELL, D. BROWN,
4 MEASURE, DARKO, STICKNEY, LEE, GOULD

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CONTINUE
7 THE MIAMI PROJECT; TO EXPAND THE MEMBERSHIP OF THE MIAMI
8 PROJECT ADVISORY COUNCIL TO INCLUDE AN INDIAN TRIBAL MEMBER;
9 TO REQUIRE MORBIDITY REVIEWS OF BIRTHS INVOLVING LOW
10 BIRTHWEIGHT BABIES; TO REQUIRE AMBULATORY PRENATAL CARE FOR
11 PREGNANT WOMEN DURING A PRESUMPTIVE ELIGIBILITY PERIOD; TO
12 AUTHORIZE TARGETED CASE MANAGEMENT SERVICES FOR HIGH-RISK
13 PREGNANT WOMEN; TO PROVIDE MEDICAID ELIGIBILITY TO INFANTS
14 AND PREGNANT WOMEN WHOSE FAMILY INCOME DOES NOT EXCEED 185
15 133 PERCENT OF THE FEDERAL POVERTY THRESHOLD; TO MANDATE
16 CONTINUOUS ELIGIBILITY FOR INFANTS AND PREGNANT WOMEN; TO
17 APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND
18 ENVIRONMENTAL SCIENCES; AMENDING SECTIONS 2-15-2109,
19 50-19-311, 50-19-312, 53-6-101, AND 53-6-131, MCA; REPEALING
20 SECTION 15, CHAPTER 649, LAWS OF 1989; AND PROVIDING AN
21 EFFECTIVE DATE."

22
23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

24 **Section 1.** Section 2-15-2109, MCA, is amended to read:

25 "2-15-2109. ~~Temporary~~-MIAMI project advisory council.

1 (1) There is a Montana initiative for the abatement of
2 mortality in infants (MIAMI) project advisory council.

3 (2) The council is composed of seven eight members
4 appointed by the governor as follows:

5 (a) one person from the department who is involved in
6 providing preventative health services for women and
7 children;

8 (b) one person from the department of social and
9 rehabilitation services who administers or supervises
10 services under the Montana medicaid program;

11 (c) one person from a local health department;

12 (d) one person from among local service providers;

13 (e) one person representing a nonprofit child health
14 organization;

15 (f) one private physician who specializes in obstetric
16 or pediatric care; and

17 (g) one person involved in children's issues or
18 programs who is a representative of a parents' organization;
19 and

20 (h) one person who is an enrolled member of a
21 recognized Indian tribe and who is knowledgeable and
22 involved in health services to Indians as a consumer,
23 provider, or advocate.

24 (3) The council is allocated to the department for
25 administrative purposes only as provided in 2-15-121.

1 (4) The provisions of 2-15-122(5) through (8) apply to
 2 the council and its members. ~~{Terminates June 30, 1991--sec-~~
 3 ~~157-Ch7-6497-B7-1989-}~~"

4 **Section 2.** Section 50-19-311, MCA, is amended to read:

5 "50-19-311. ~~{Temporary}~~--MIAMI project. (1) There is a
 6 MIAMI project established in the department.

7 (2) Under the project, the department shall provide the
 8 following services:

9 (a) infant mortality review;

10 (b) morbidity review of births involving low
 11 birthweight babies;

12 ~~{b}~~{c} low birthweight prevention;

13 ~~{e}~~{d} assistance to low-income women and infants in
 14 gaining access to prenatal care, delivery, and postpartum
 15 care;

16 ~~{d}~~{e} referral of low-income women and children to
 17 other programs to protect the health of women and children,
 18 including:

19 (i) supplemental food programs for women, infants, and
 20 children;

21 (ii) family planning services; and

22 (iii) other maternal and child health programs;

23 ~~{e}~~{f} public education and community outreach to
 24 inform the public on:

25 (i) the importance of receiving early prenatal care;

1 (ii) the need for good health habits during pregnancy;
 2 and

3 (iii) the availability of special services for pregnant
 4 women and for children. ~~{Terminates June 30, 1991--sec--157~~
 5 ~~Ch7-6497-B7-1989-}~~"

6 **Section 3.** Section 50-19-312, MCA, is amended to read:

7 "50-19-312. ~~{Temporary}~~--Advisory council -- powers and
 8 duties. The council shall:

9 (1) advise the department on matters relating to
 10 administration of the MIAMI project;

11 (2) review and monitor activities conducted under the
 12 project;

13 (3) gather information relating to infant mortality and
 14 morbidity and the incidence of low birthweight babies;

15 (4) identify problems in the quality and availability
 16 of maternal and child health services; and

17 (5) make recommendations to improve maternal and child
 18 health services consistent with the purposes of this part.
 19 ~~{Terminates June 30, 1991--sec--157-Ch7-6497-B7-1989-}~~"

20 **Section 4.** Section 53-6-101, MCA, is amended to read:

21 "53-6-101. ~~Montana medicaid program~~ -- authorization of
 22 services. (1) There is a Montana medicaid program
 23 established for the purpose of providing necessary medical
 24 services to eligible persons who have need for medical
 25 assistance. The Montana medicaid program is a joint

1 federal-state program administered under this chapter and in
 2 accordance with Title XIX of the federal Social Security Act
 3 (42 U.S.C. 1396, et seq.), as may be amended. The department
 4 of social and rehabilitation services shall administer the
 5 Montana medicaid program.

6 (2) Medical assistance provided by the Montana medicaid
 7 program includes the following services:

- 8 (a) inpatient hospital services;
- 9 (b) outpatient hospital services;
- 10 (c) other laboratory and x-ray services;
- 11 (d) skilled nursing services in long-term care
 12 facilities;
- 13 (e) physicians' services;
- 14 (f) nurse specialist services;
- 15 (g) early and periodic screening, diagnosis, and
 16 treatment services for persons under 21 years of age;
- 17 (h) ambulatory prenatal care for pregnant women during
 18 a presumptive eligibility period, as provided in 42 U.S.C.
 19 1396a(a)(47) and 42 U.S.C. 1396r-1;
- 20 (i) targeted case management services, as authorized in
 21 42 U.S.C. 1396n(g), for high-risk pregnant women;

22 ~~(h)~~(j) services provided by physician
 23 assistants-certified within the scope of their practice and
 24 that are otherwise directly reimbursed as allowed under
 25 department rule to an existing provider;

1 ~~(i)~~(k) health services provided under a physician's
 2 orders by a public health department; and

3 ~~(j)~~(l) hospice care as defined in 42 U.S.C. 1396d(o).

4 (3) Medical assistance provided by the Montana medicaid
 5 program may, as provided by department rule, also include
 6 the following services:

- 7 (a) medical care or any other type of remedial care
 8 recognized under state law, furnished by licensed
 9 practitioners within the scope of their practice as defined
 10 by state law;
- 11 (b) home health care services;
- 12 (c) private-duty nursing services;
- 13 (d) dental services;
- 14 (e) physical therapy services;
- 15 (f) mental health center services administered and
 16 funded under a state mental health program authorized under
 17 Title 53, chapter 21, part 2;
- 18 (g) clinical social worker services;
- 19 (h) prescribed drugs, dentures, and prosthetic devices;
- 20 (i) prescribed eyeglasses;
- 21 (j) other diagnostic, screening, preventive,
 22 rehabilitative, chiropractic, and osteopathic services;
- 23 (k) inpatient psychiatric hospital services for persons
 24 under 21 years of age;
- 25 (l) services of professional counselors licensed under

1 Title 37, chapter 23, if funds are specifically appropriated
2 for the inclusion of these services in the Montana medicaid
3 program;

4 ~~(m)--ambulatory-prenatal-care-for-pregnant-women--during~~
5 ~~a--presumptive--eligibility-period,-as-provided-in-42-U.S.C.~~
6 ~~1396a(a)(47)-and-42-U.S.C.-1396r-1;~~

7 ~~(m)~~(m) any additional medical service or aid allowable
8 under or provided by the federal Social Security Act.

9 (4) The department may implement, as provided for in
10 Title XIX of the federal Social Security Act (42 U.S.C.
11 1396, et seq.), as may be amended, a program under medicaid
12 for payment of medicare premiums, deductibles, and
13 coinsurance for persons not otherwise eligible for medicaid.

14 (5) The department may set rates for medical and other
15 services provided to recipients of medicaid and may enter
16 into contracts for delivery of services to individual
17 recipients or groups of recipients.

18 (6) The services provided under this part may be only
19 those that are medically necessary and that are the most
20 efficient and cost effective.

21 (7) The amount, scope, and duration of services
22 provided under this part must be determined by the
23 department in accordance with Title XIX of the federal
24 Social Security Act (42 U.S.C. 1396, et seq.), as may be
25 amended.

1 (8) Services, procedures, and items of an experimental
2 or cosmetic nature may not be provided.

3 (9) If available funds are not sufficient to provide
4 medical assistance for all eligible persons, the department
5 may set priorities to limit, reduce, or otherwise curtail
6 the amount, scope, or duration of the medical services made
7 available under the Montana medicaid program.

8 (10) Community-based medicaid services, as provided for
9 in part 4 of this chapter, must be provided in accordance
10 with the provisions of this chapter and the rules adopted
11 thereunder. (Subsection (2)(j) terminates June 30,
12 1991--sec. 4, Ch. 633, L. 1989--Subsection-(3)(m)-terminates
13 June-30-1991--sec--157-CH-6497-E-1989.)"

14 **Section 5.** Section 53-6-131, MCA, is amended to read:

15 ***53-6-131. Eligibility requirements.** (1) Medical
16 assistance under the Montana medicaid program may be granted
17 to a person who is determined by the department of social
18 and rehabilitation services to be eligible as follows:

19 (a) The person receives or is considered to be
20 receiving supplemental security income benefits under Title
21 XVI of the federal Social Security Act (42 U.S.C. 1381, et
22 seq.) or aid to families with dependent children under Title
23 IV of the federal Social Security Act (42 U.S.C. 601, et
24 seq.).

25 (b) The person would be eligible for assistance under a

1 program described in subsection (1)(a) if he were to apply
 2 for such assistance.

3 (c) The person is in a medical facility that is a
 4 medicaid provider and, but for residence in the facility, he
 5 would be receiving assistance under one of the programs in
 6 subsection (1)(a).

7 (d) The person is under 19 years of age and meets the
 8 conditions of eligibility in the state plan for aid to
 9 families with dependent children, other than with respect to
 10 school attendance.

11 (e) The person is under 21 years of age and in foster
 12 care under the supervision of the state or was in foster
 13 care under the supervision of the state and has been adopted
 14 as a hard-to-place child.

15 (f) The person meets the nonfinancial criteria of the
 16 categories in subsections (1)(a) through (1)(e) and:

17 (i) the person's income does not exceed the medically
 18 needy income level specified for federally aided categories
 19 of assistance and his resources are within the resource
 20 standards of the federal supplemental security income
 21 program; or

22 (ii) the person, while having income greater than the
 23 medically needy income level specified for federally aided
 24 categories of assistance, has an adjusted income level,
 25 after incurring medical expenses, that does not exceed the

1 medically needy income level specified for federally aided
 2 categories of assistance and his resources are within the
 3 resource standards of the federal supplemental security
 4 income program.

5 ~~(g) The person is under 1 year of age and:~~
 6 ~~(i) has income that does not exceed income standards as~~
 7 ~~may be required by the federal Social Security Act; and~~
 8 ~~(ii) has resources that do not exceed standards the~~
 9 ~~department determines reasonable for purposes of the~~
 10 ~~program;~~

11 ~~(2) A person who is pregnant is eligible for~~
 12 ~~pregnancy-related medical assistance under the Montana~~
 13 ~~medicaid program if she:~~

14 ~~(a) has income that does not exceed income standards as~~
 15 ~~may be required by the federal Social Security Act; and~~
 16 ~~(b) has resources that do not exceed standards the~~
 17 ~~department determines reasonable for purposes of the~~
 18 ~~program;~~

19 (g) The person is a qualified pregnant woman or child
 20 as defined in 42 U.S.C. 1396d(n).

21 (3) The Montana medicaid program shall pay for the
 22 premiums necessary for participation in the medicare program
 23 and may, within the discretion of the department, pay all or
 24 a portion of the medicare deductibles and coinsurance for a
 25 medicare-eligible person who:

1 (a) has income that does not exceed income standards as
 2 may be required by the federal Social Security Act; and

3 (b) has resources that do not exceed standards the
 4 department determines reasonable for purposes of the
 5 program.

6 (4) The department, under the Montana medicaid program,
 7 may provide, if a waiver is not available from the federal
 8 government, medicaid and other assistance mandated by Title
 9 XIX of the federal Social Security Act (42 U.S.C. 1396, et
 10 seq.), as may be amended, and not specifically listed in
 11 this part to categories of persons that may be designated by
 12 the act for receipt of assistance.

13 (5) Notwithstanding any other provision of this
 14 chapter, medical assistance must be provided to pregnant
 15 ~~women--and-to~~ infants and pregnant women whose family income
 16 does not exceed ~~185%~~ 133% of the federal poverty threshold,
 17 as provided in 42 U.S.C. 1396a(a)(10)(A)(ii)(IX) and 42
 18 U.S.C. 1396a(1)(2)(A)(i).

19 (6) A person described in subsection (5) must be
 20 provided continuous eligibility for medical assistance, as
 21 authorized in 42 U.S.C. 1396a(e)(5) through a(e)(7).
 22 ~~{Subsection (5) terminates June 30, 1991--sec. 15, Ch. 649,~~
 23 ~~h. 1989--}~~

24 NEW SECTION. SECTION 6. APPROPRIATION. THERE IS
 25 APPROPRIATED TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL

1 SCIENCES \$14,000 FROM THE GENERAL FUND FOR THE BIENNIUM
 2 ENDING JUNE 30, 1993, FOR THE PURPOSE OF IMPLEMENTING [THIS
 3 ACT].

4 NEW SECTION. Section 7. Repealer. Section 15, Chapter
 5 649, Laws of 1989, is repealed.

6 NEW SECTION. Section 8. Effective date. [This act] is
 7 effective June 30, 1991.

-End-

1 HOUSE BILL NO. 876

2 INTRODUCED BY WYATT, SQUIRES, STRIZICH, J. RICE, MESSMORE,
3 MCCULLOCH, R. JOHNSON, CLARK, BECKER, RUSSELL, D. BROWN,
4 MEASURE, DARKO, STICKNEY, LEE, GOULD

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CONTINUE
7 THE MIAMI PROJECT; TO EXPAND THE MEMBERSHIP OF THE MIAMI
8 PROJECT ADVISORY COUNCIL TO INCLUDE AN INDIAN TRIBAL MEMBER;
9 TO REQUIRE MORBIDITY REVIEWS OF BIRTHS INVOLVING LOW
10 BIRTHWEIGHT BABIES; TO REQUIRE AMBULATORY PRENATAL CARE FOR
11 PREGNANT WOMEN DURING A PRESUMPTIVE ELIGIBILITY PERIOD; TO
12 AUTHORIZE TARGETED CASE MANAGEMENT SERVICES FOR HIGH-RISK
13 PREGNANT WOMEN; TO PROVIDE MEDICAID ELIGIBILITY TO INFANTS
14 AND PREGNANT WOMEN WHOSE FAMILY INCOME DOES NOT EXCEED 185
15 133 PERCENT OF THE FEDERAL POVERTY THRESHOLD; TO MANDATE
16 CONTINUOUS ELIGIBILITY FOR INFANTS AND PREGNANT WOMEN; TO
17 APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND
18 ENVIRONMENTAL SCIENCES; AMENDING SECTIONS 2-15-2109,
19 50-19-311, 50-19-312, 53-6-101, AND 53-6-131, MCA; REPEALING
20 SECTION 15, CHAPTER 649, LAWS OF 1989; AND PROVIDING AN
21 EFFECTIVE DATE."

22
23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

24 **Section 1.** Section 2-15-2109, MCA, is amended to read:

25 "2-15-2109. ~~{Temporary}~~-MIAMI project advisory council.

1 (1) There is a Montana initiative for the abatement of
2 mortality in infants (MIAMI) project advisory council.

3 (2) The council is composed of seven ~~eight~~ members
4 appointed by the governor as follows:

5 (a) one person from the department who is involved in
6 providing preventative health services for women and
7 children;

8 (b) one person from the department of social and
9 rehabilitation services who administers or supervises
10 services under the Montana medicaid program;

11 (c) one person from a local health department;

12 (d) one person from among local service providers;

13 (e) one person representing a nonprofit child health
14 organization;

15 (f) one private physician who specializes in obstetric
16 or pediatric care; and

17 (g) one person involved in children's issues or
18 programs who is a representative of a parents' organization;
19 and

20 (h) one person who is an enrolled member of a
21 recognized Indian tribe and who is knowledgeable and
22 involved in health services to Indians as a consumer,
23 provider, or advocate.

24 (3) The council is allocated to the department for
25 administrative purposes only as provided in 2-15-121.

1 (4) The provisions of 2-15-122(5) through (8) apply to
 2 the council and its members. ~~{Terminates June 30, 1991--sec-~~
 3 ~~157-Chr-6497-B-1989-}~~"

4 **Section 2.** Section 50-19-311, MCA, is amended to read:
 5 "50-19-311. ~~{Temporary}~~--MIAMI project. (1) There is a
 6 MIAMI project established in the department.

7 (2) Under the project, the department shall provide the
 8 following services:

9 (a) infant mortality review;
 10 (b) morbidity review of births involving low
 11 birthweight babies;

12 ~~(b)(c)~~ low birthweight prevention;
 13 ~~(c)(d)~~ assistance to low-income women and infants in
 14 gaining access to prenatal care, delivery, and postpartum
 15 care;

16 ~~(d)(e)~~ referral of low-income women and children to
 17 other programs to protect the health of women and children,
 18 including:

19 (i) supplemental food programs for women, infants, and
 20 children;
 21 (ii) family planning services; and
 22 (iii) other maternal and child health programs;

23 ~~(e)(f)~~ public education and community outreach to
 24 inform the public on:

25 (i) the importance of receiving early prenatal care;

1 (ii) the need for good health habits during pregnancy;
 2 and

3 (iii) the availability of special services for pregnant
 4 women and for children. ~~{Terminates June 30, 1991--sec--157~~
 5 ~~Chr-6497-B-1989-}~~"

6 **Section 3.** Section 50-19-312, MCA, is amended to read:
 7 "50-19-312. ~~{Temporary}~~-Advisory council -- powers and
 8 duties. The council shall:

9 (1) advise the department on matters relating to
 10 administration of the MIAMI project;

11 (2) review and monitor activities conducted under the
 12 project;

13 (3) gather information relating to infant mortality and
 14 morbidity and the incidence of low birthweight babies;

15 (4) identify problems in the quality and availability
 16 of maternal and child health services; and

17 (5) make recommendations to improve maternal and child
 18 health services consistent with the purposes of this part.
 19 ~~{Terminates June 30, 1991--sec--157-Chr-6497-B-1989-}~~"

20 **Section 4.** Section 53-6-101, MCA, is amended to read:

21 "53-6-101. **Montana medicaid program -- authorization of**
 22 **services.** (1) There is a Montana medicaid program
 23 established for the purpose of providing necessary medical
 24 services to eligible persons who have need for medical
 25 assistance. The Montana medicaid program is a joint

1 federal-state program administered under this chapter and in
 2 accordance with Title XIX of the federal Social Security Act
 3 (42 U.S.C. 1396, et seq.), as may be amended. The department
 4 of social and rehabilitation services shall administer the
 5 Montana medicaid program.

6 (2) Medical assistance provided by the Montana medicaid
 7 program includes the following services:

- 8 (a) inpatient hospital services;
- 9 (b) outpatient hospital services;
- 10 (c) other laboratory and x-ray services;
- 11 (d) skilled nursing services in long-term care
 12 facilities;
- 13 (e) physicians' services;
- 14 (f) nurse specialist services;
- 15 (g) early and periodic screening, diagnosis, and
 16 treatment services for persons under 21 years of age;
- 17 (h) ambulatory prenatal care for pregnant women during
 18 a presumptive eligibility period, as provided in 42 U.S.C.
 19 1396a(a)(47) and 42 U.S.C. 1396r-1;
- 20 (i) targeted case management services, as authorized in
 21 42 U.S.C. 1396n(g), for high-risk pregnant women;
- 22 (h)(j) services provided by physician
 23 assistants-certified within the scope of their practice and
 24 that are otherwise directly reimbursed as allowed under
 25 department rule to an existing provider;

1 (i)(k) health services provided under a physician's
 2 orders by a public health department; and

3 (j)(l) hospice care as defined in 42 U.S.C. 1396d(o).

4 (3) Medical assistance provided by the Montana medicaid
 5 program may, as provided by department rule, also include
 6 the following services:

- 7 (a) medical care or any other type of remedial care
 8 recognized under state law, furnished by licensed
 9 practitioners within the scope of their practice as defined
 10 by state law;
- 11 (b) home health care services;
- 12 (c) private-duty nursing services;
- 13 (d) dental services;
- 14 (e) physical therapy services;
- 15 (f) mental health center services administered and
 16 funded under a state mental health program authorized under
 17 Title 53, chapter 21, part 2;
- 18 (g) clinical social worker services;
- 19 (h) prescribed drugs, dentures, and prosthetic devices;
- 20 (i) prescribed eyeglasses;
- 21 (j) other diagnostic, screening, preventive,
 22 rehabilitative, chiropractic, and osteopathic services;
- 23 (k) inpatient psychiatric hospital services for persons
 24 under 21 years of age;
- 25 (l) services of professional counselors licensed under

1 Title 37, chapter 23, if funds are specifically appropriated
2 for the inclusion of these services in the Montana medicaid
3 program;

4 ~~(m)--ambulatory-prenatal-care-for-pregnant-women--during~~
5 ~~a--presumptive--eligibility-period,-as-provided-in-42-U.S.C.~~
6 ~~1396a(a)(47)-and-42-U.S.C.-1396r-1;~~

7 ~~(n)(m)~~ any additional medical service or aid allowable
8 under or provided by the federal Social Security Act.

9 (4) The department may implement, as provided for in
10 Title XIX of the federal Social Security Act (42 U.S.C.
11 1396, et seq.), as may be amended, a program under medicaid
12 for payment of medicare premiums, deductibles, and
13 coinsurance for persons not otherwise eligible for medicaid.

14 (5) The department may set rates for medical and other
15 services provided to recipients of medicaid and may enter
16 into contracts for delivery of services to individual
17 recipients or groups of recipients.

18 (6) The services provided under this part may be only
19 those that are medically necessary and that are the most
20 efficient and cost effective.

21 (7) The amount, scope, and duration of services
22 provided under this part must be determined by the
23 department in accordance with Title XIX of the federal
24 Social Security Act (42 U.S.C. 1396, et seq.), as may be
25 amended.

1 (8) Services, procedures, and items of an experimental
2 or cosmetic nature may not be provided.

3 (9) If available funds are not sufficient to provide
4 medical assistance for all eligible persons, the department
5 may set priorities to limit, reduce, or otherwise curtail
6 the amount, scope, or duration of the medical services made
7 available under the Montana medicaid program.

8 (10) Community-based medicaid services, as provided for
9 in part 4 of this chapter, must be provided in accordance
10 with the provisions of this chapter and the rules adopted
11 thereunder. (Subsection (2)(j) terminates June 30,
12 1991--sec. 4, Ch. 633, L. 1989; Subsection (3)(m) terminates
13 June 30, 1991--sec. 15, Ch. 649, H. 1989.)"

14 **Section 5.** Section 53-6-131, MCA, is amended to read:

15 **"53-6-131. Eligibility requirements.** (1) Medical
16 assistance under the Montana medicaid program may be granted
17 to a person who is determined by the department of social
18 and rehabilitation services to be eligible as follows:

19 (a) The person receives or is considered to be
20 receiving supplemental security income benefits under Title
21 XVI of the federal Social Security Act (42 U.S.C. 1381, et
22 seq.) or aid to families with dependent children under Title
23 IV of the federal Social Security Act (42 U.S.C. 601, et
24 seq.).

25 (b) The person would be eligible for assistance under a

1 program described in subsection (1)(a) if he were to apply
2 for such assistance.

3 (c) The person is in a medical facility that is a
4 medicaid provider and, but for residence in the facility, he
5 would be receiving assistance under one of the programs in
6 subsection (1)(a).

7 (d) The person is under 19 years of age and meets the
8 conditions of eligibility in the state plan for aid to
9 families with dependent children, other than with respect to
10 school attendance.

11 (e) The person is under 21 years of age and in foster
12 care under the supervision of the state or was in foster
13 care under the supervision of the state and has been adopted
14 as a hard-to-place child.

15 (f) The person meets the nonfinancial criteria of the
16 categories in subsections (1)(a) through (1)(e) and:

17 (i) the person's income does not exceed the medically
18 needy income level specified for federally aided categories
19 of assistance and his resources are within the resource
20 standards of the federal supplemental security income
21 program; or

22 (ii) the person, while having income greater than the
23 medically needy income level specified for federally aided
24 categories of assistance, has an adjusted income level,
25 after incurring medical expenses, that does not exceed the

1 medically needy income level specified for federally aided
2 categories of assistance and his resources are within the
3 resource standards of the federal supplemental security
4 income program.

5 ~~(g) The person is under 1 year of age and:~~

6 ~~(i) has income that does not exceed income standards as~~
7 ~~may be required by the federal Social Security Act; and~~

8 ~~(ii) has resources that do not exceed standards the~~
9 ~~department determines reasonable for purposes of the~~
10 ~~program;~~

11 ~~(2) A person who is pregnant is eligible for~~
12 ~~pregnancy-related medical assistance under the Montana~~
13 ~~medicaid program if she:~~

14 ~~(a) has income that does not exceed income standards as~~
15 ~~may be required by the federal Social Security Act; and~~

16 ~~(b) has resources that do not exceed standards the~~
17 ~~department determines reasonable for purposes of the~~
18 ~~program;~~

19 (g) The person is a qualified pregnant woman or child
20 as defined in 42 U.S.C. 1396d(n).

21 (3) The Montana medicaid program shall pay for the
22 premiums necessary for participation in the medicare program
23 and may, within the discretion of the department, pay all or
24 a portion of the medicare deductibles and coinsurance for a
25 medicare-eligible person who:

1 (a) has income that does not exceed income standards as
2 may be required by the federal Social Security Act; and

3 (b) has resources that do not exceed standards the
4 department determines reasonable for purposes of the
5 program.

6 (4) The department, under the Montana medicaid program,
7 may provide, if a waiver is not available from the federal
8 government, medicaid and other assistance mandated by Title
9 XIX of the federal Social Security Act (42 U.S.C. 1396, et
10 seq.), as may be amended, and not specifically listed in
11 this part to categories of persons that may be designated by
12 the act for receipt of assistance.

13 (5) Notwithstanding any other provision of this
14 chapter, medical assistance must be provided to pregnant
15 women--and-to infants and pregnant women whose family income
16 does not exceed ~~185%~~ 133% of the federal poverty threshold,
17 as provided in 42 U.S.C. 1396a(a)(10)(A)(ii)(IX) and 42
18 U.S.C. 1396a(1)(2)(A)(i).

19 (6) A person described in subsection (5) must be
20 provided continuous eligibility for medical assistance, as
21 authorized in 42 U.S.C. 1396a(e)(5) through a(e)(7).
22 ~~{Subsection (5) terminates June 30, 1991--sec--157--Ch--6497~~
23 ~~67-1989-}~~"

24 NEW SECTION. SECTION 6. APPROPRIATION. THERE IS
25 APPROPRIATED TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL

1 SCIENCES \$14,000 FROM THE GENERAL FUND FOR THE BIENNIUM
2 ENDING JUNE 30, 1993, FOR THE PURPOSE OF IMPLEMENTING [THIS
3 ACT].

4 NEW SECTION. Section 7. Repealer. Section 15, Chapter
5 649, Laws of 1989, is repealed.

6 NEW SECTION. Section 8. Effective date. [This act] is
7 effective June 30, 1991.

-End-

1 HOUSE BILL NO. 876

2 INTRODUCED BY WYATT, SQUIRES, STRIZICH, J. RICE, MESSMORE,
3 MCCULLOCH, R. JOHNSON, CLARK, BECKER, RUSSELL, D. BROWN,
4 MEASURE, DARKO, STICKNEY, LEE, GOULD

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CONTINUE
7 THE MIAMI PROJECT; TO EXPAND THE MEMBERSHIP OF THE MIAMI
8 PROJECT ADVISORY COUNCIL TO INCLUDE AN INDIAN TRIBAL MEMBER;
9 TO REQUIRE MORBIDITY REVIEWS OF BIRTHS INVOLVING LOW
10 BIRTHWEIGHT BABIES; TO REQUIRE AMBULATORY PRENATAL CARE FOR
11 PREGNANT WOMEN DURING A PRESUMPTIVE ELIGIBILITY PERIOD; TO
12 AUTHORIZE TARGETED CASE MANAGEMENT SERVICES FOR HIGH-RISK
13 PREGNANT WOMEN; TO PROVIDE MEDICAID ELIGIBILITY TO INFANTS
14 AND PREGNANT WOMEN WHOSE FAMILY INCOME DOES NOT EXCEED ~~105~~
15 133 PERCENT OF THE FEDERAL POVERTY THRESHOLD; TO MANDATE
16 CONTINUOUS ELIGIBILITY FOR INFANTS AND PREGNANT WOMEN; TO
17 APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND
18 ENVIRONMENTAL SCIENCES; AMENDING SECTIONS 2-15-2109,
19 50-19-311, 50-19-312, 53-6-101, AND 53-6-131, MCA; REPEALING
20 SECTION 15, CHAPTER 649, LAWS OF 1989; AND PROVIDING AN
21 EFFECTIVE DATE."

22
23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

24 **Section 1.** Section 2-15-2109, MCA, is amended to read:

25 "2-15-2109. ~~{Temporary}~~-MIAMI project advisory council.

1 (1) There is a Montana initiative for the abatement of
2 mortality in infants (MIAMI) project advisory council.

3 (2) The council is composed of ~~seven~~ eight members
4 appointed by the governor as follows:

5 (a) one person from the department who is involved in
6 providing preventative health services for women and
7 children;

8 (b) one person from the department of social and
9 rehabilitation services who administers or supervises
10 services under the Montana medicaid program;

11 (c) one person from a local health department;

12 (d) one person from among local service providers;

13 (e) one person representing a nonprofit child health
14 organization;

15 (f) one private physician who specializes in obstetric
16 or pediatric care; and

17 (g) one person involved in children's issues or
18 programs who is a representative of a parents' organization;
19 and

20 (h) one person who is an enrolled member of a
21 recognized Indian tribe and who is knowledgeable and
22 involved in health services to Indians as a consumer,
23 provider, or advocate.

24 (3) The council is allocated to the department for
25 administrative purposes only as provided in 2-15-121.

1 (4) The provisions of 2-15-122(5) through (8) apply to
2 the council and its members. ~~{Terminates-June-30-1991--sec-~~
3 ~~157-Ch-649-B-1989-}~~"

4 **Section 2.** Section 50-19-311, MCA, is amended to read:

5 "50-19-311. ~~{Temporary}~~--MIAMI project. (1) There is a
6 MIAMI project established in the department.

7 (2) Under the project, the department shall provide the
8 following services:

- 9 (a) infant mortality review;
- 10 (b) morbidity review of births involving low
- 11 birthweight babies;
- 12 ~~{b}~~(c) low birthweight prevention;
- 13 ~~{c}~~(d) assistance to low-income women and infants in
- 14 gaining access to prenatal care, delivery, and postpartum
- 15 care;
- 16 ~~{d}~~(e) referral of low-income women and children to
- 17 other programs to protect the health of women and children,
- 18 including:

- 19 (i) supplemental food programs for women, infants, and
- 20 children;
- 21 (ii) family planning services; and
- 22 (iii) other maternal and child health programs;
- 23 ~~{e}~~(f) public education and community outreach to
- 24 inform the public on:
- 25 (i) the importance of receiving early prenatal care;

- 1 (ii) the need for good health habits during pregnancy;
- 2 and
- 3 (iii) the availability of special services for pregnant
- 4 women and for children. ~~{Terminates-June-30-1991--sec--157~~
5 ~~Ch-649-B-1989-}~~"

6 **Section 3.** Section 50-19-312, MCA, is amended to read:

7 "50-19-312. ~~{Temporary}~~-Advisory council -- powers and
8 duties. The council shall:

- 9 (1) advise the department on matters relating to
- 10 administration of the MIAMI project;
- 11 (2) review and monitor activities conducted under the
- 12 project;
- 13 (3) gather information relating to infant mortality and
- 14 morbidity and the incidence of low birthweight babies;
- 15 (4) identify problems in the quality and availability
- 16 of maternal and child health services; and
- 17 (5) make recommendations to improve maternal and child
- 18 health services consistent with the purposes of this part.
- 19 ~~{Terminates-June-30-1991--sec--157-Ch-649-B-1989-}~~"

20 **Section 4.** Section 53-6-101, MCA, is amended to read:

21 "53-6-101. **Montana medicaid program -- authorization of**
22 **services.** (1) There is a Montana medicaid program
23 established for the purpose of providing necessary medical
24 services to eligible persons who have need for medical
25 assistance. The Montana medicaid program is a joint

1 federal-state program administered under this chapter and in
2 accordance with Title XIX of the federal Social Security Act
3 (42 U.S.C. 1396, et seq.), as may be amended. The department
4 of social and rehabilitation services shall administer the
5 Montana medicaid program.

6 (2) Medical assistance provided by the Montana medicaid
7 program includes the following services:

- 8 (a) inpatient hospital services;
- 9 (b) outpatient hospital services;
- 10 (c) other laboratory and x-ray services;
- 11 (d) skilled nursing services in long-term care
12 facilities;
- 13 (e) physicians' services;
- 14 (f) nurse specialist services;
- 15 (g) early and periodic screening, diagnosis, and
16 treatment services for persons under 21 years of age;
- 17 (h) ambulatory prenatal care for pregnant women during
18 a presumptive eligibility period, as provided in 42 U.S.C.
19 1396a(a)(47) and 42 U.S.C. 1396r-1;
- 20 (i) targeted case management services, as authorized in
21 42 U.S.C. 1396n(g), for high-risk pregnant women;

22 ~~(h)~~(j) services provided by physician
23 assistants-certified within the scope of their practice and
24 that are otherwise directly reimbursed as allowed under
25 department rule to an existing provider;

1 ~~(i)~~(k) health services provided under a physician's
2 orders by a public health department; and

3 ~~(j)~~(l) hospice care as defined in 42 U.S.C. 1396d(o).

4 (3) Medical assistance provided by the Montana medicaid
5 program may, as provided by department rule, also include
6 the following services:

- 7 (a) medical care or any other type of remedial care
8 recognized under state law, furnished by licensed
9 practitioners within the scope of their practice as defined
10 by state law;
- 11 (b) home health care services;
- 12 (c) private-duty nursing services;
- 13 (d) dental services;
- 14 (e) physical therapy services;
- 15 (f) mental health center services administered and
16 funded under a state mental health program authorized under
17 Title 53, chapter 21, part 2;
- 18 (g) clinical social worker services;
- 19 (h) prescribed drugs, dentures, and prosthetic devices;
- 20 (i) prescribed eyeglasses;
- 21 (j) other diagnostic, screening, preventive,
22 rehabilitative, chiropractic, and osteopathic services;
- 23 (k) inpatient psychiatric hospital services for persons
24 under 21 years of age;
- 25 (l) services of professional counselors licensed under

1 Title 37, chapter 23, if funds are specifically appropriated
 2 for the inclusion of these services in the Montana medicaid
 3 program;

4 ~~(m)--ambulatory-prenatal-care-for-pregnant-women--during~~
 5 ~~a--presumptive--eligibility-period--as-provided-in-42-U.S.C.~~
 6 ~~1396a(a)(47)-and-42-U.S.C.-1396r-17~~

7 ~~(n)(m)~~ any additional medical service or aid allowable
 8 under or provided by the federal Social Security Act.

9 (4) The department may implement, as provided for in
 10 Title XIX of the federal Social Security Act (42 U.S.C.
 11 1396, et seq.), as may be amended, a program under medicaid
 12 for payment of medicare premiums, deductibles, and
 13 coinsurance for persons not otherwise eligible for medicaid.

14 (5) The department may set rates for medical and other
 15 services provided to recipients of medicaid and may enter
 16 into contracts for delivery of services to individual
 17 recipients or groups of recipients.

18 (6) The services provided under this part may be only
 19 those that are medically necessary and that are the most
 20 efficient and cost effective.

21 (7) The amount, scope, and duration of services
 22 provided under this part must be determined by the
 23 department in accordance with Title XIX of the federal
 24 Social Security Act (42 U.S.C. 1396, et seq.), as may be
 25 amended.

1 (8) Services, procedures, and items of an experimental
 2 or cosmetic nature may not be provided.

3 (9) If available funds are not sufficient to provide
 4 medical assistance for all eligible persons, the department
 5 may set priorities to limit, reduce, or otherwise curtail
 6 the amount, scope, or duration of the medical services made
 7 available under the Montana medicaid program.

8 (10) Community-based medicaid services, as provided for
 9 in part 4 of this chapter, must be provided in accordance
 10 with the provisions of this chapter and the rules adopted
 11 thereunder. (Subsection (2)(j) terminates June 30,
 12 1991--sec. 4, Ch. 633, L. 1989--Subsection-(3)(m)-terminates
 13 June-30, 1991--sec-157-Ch-649, L-1989.)"

14 **Section 5.** Section 53-6-131, MCA, is amended to read:

15 **"53-6-131. Eligibility requirements.** (1) Medical
 16 assistance under the Montana medicaid program may be granted
 17 to a person who is determined by the department of social
 18 and rehabilitation services to be eligible as follows:

19 (a) The person receives or is considered to be
 20 receiving supplemental security income benefits under Title
 21 XVI of the federal Social Security Act (42 U.S.C. 1381, et
 22 seq.) or aid to families with dependent children under Title
 23 IV of the federal Social Security Act (42 U.S.C. 601, et
 24 seq.).

25 (b) The person would be eligible for assistance under a

1 program described in subsection (1)(a) if he were to apply
2 for such assistance.

3 (c) The person is in a medical facility that is a
4 medicaid provider and, but for residence in the facility, he
5 would be receiving assistance under one of the programs in
6 subsection (1)(a).

7 (d) The person is under 19 years of age and meets the
8 conditions of eligibility in the state plan for aid to
9 families with dependent children, other than with respect to
10 school attendance.

11 (e) The person is under 21 years of age and in foster
12 care under the supervision of the state or was in foster
13 care under the supervision of the state and has been adopted
14 as a hard-to-place child.

15 (f) The person meets the nonfinancial criteria of the
16 categories in subsections (1)(a) through (1)(e) and:

17 (i) the person's income does not exceed the medically
18 needy income level specified for federally aided categories
19 of assistance and his resources are within the resource
20 standards of the federal supplemental security income
21 program; or

22 (ii) the person, while having income greater than the
23 medically needy income level specified for federally aided
24 categories of assistance, has an adjusted income level,
25 after incurring medical expenses, that does not exceed the

1 medically needy income level specified for federally aided
2 categories of assistance and his resources are within the
3 resource standards of the federal supplemental security
4 income program.

5 ~~(g) The person is under 1 year of age and:~~
6 ~~(i) has income that does not exceed income standards as~~
7 ~~may be required by the federal Social Security Act, and~~
8 ~~(ii) has resources that do not exceed standards the~~
9 ~~department determines reasonable for purposes of the~~
10 ~~program.~~

11 ~~(2) A person who is pregnant is eligible for~~
12 ~~pregnancy-related medical assistance under the Montana~~
13 ~~medicaid program if she:~~

14 ~~(a) has income that does not exceed income standards as~~
15 ~~may be required by the federal Social Security Act, and~~

16 ~~(b) has resources that do not exceed standards the~~
17 ~~department determines reasonable for purposes of the~~
18 ~~program.~~

19 (g) The person is a qualified pregnant woman or child
20 as defined in 42 U.S.C. 1396d(n).

21 ~~(3)(2)~~ The Montana medicaid program shall pay for the
22 premiums necessary for participation in the medicare program
23 and may, within the discretion of the department, pay all or
24 a portion of the medicare deductibles and coinsurance for a
25 medicare-eligible person who:

1 (a) has income that does not exceed income standards as
2 may be required by the federal Social Security Act; and

3 (b) has resources that do not exceed standards the
4 department determines reasonable for purposes of the
5 program.

6 ~~4~~(3) The department, under the Montana medicaid
7 program, may provide, if a waiver is not available from the
8 federal government, medicaid and other assistance mandated
9 by Title XIX of the federal Social Security Act (42 U.S.C.
10 1396, et seq.), as may be amended, and not specifically
11 listed in this part to categories of persons that may be
12 designated by the act for receipt of assistance.

13 ~~5~~(4) Notwithstanding any other provision of this
14 chapter, medical assistance must be provided to ~~pregnant~~
15 ~~women-and-to infants and pregnant women~~ whose family income
16 does not exceed ~~105%~~ 133% of the federal poverty threshold,
17 as provided in 42 U.S.C. 1396a(a)(10)(A)(ii)(IX) and 42
18 U.S.C. 1396a(1)(2)(A)(i).

19 ~~6~~(5) A person described in subsection ~~5~~ (4) must be
20 provided continuous eligibility for medical assistance, as
21 authorized in 42 U.S.C. 1396a(e)(5) through a(e)(7).
22 ~~{Subsection--(5)--terminates--June--30--1991--sec--157--Ch--6497~~
23 ~~57--1989--}~~"

24 NEW SECTION. SECTION 6. APPROPRIATION. THERE IS
25 APPROPRIATED TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL

1 SCIENCES \$14,000 FROM THE GENERAL FUND FOR THE BIENNIUM
2 ENDING JUNE 30, 1993, FOR THE PURPOSE OF IMPLEMENTING [THIS
3 ACT].

4 NEW SECTION. Section 7. Repealer. Section 15, Chapter
5 649, Laws of 1989, is repealed.

6 NEW SECTION. Section 8. Effective date. [This act] is
7 effective June 30, 1991.

-End-