

SENATE BILL NO. 306

INTRODUCED BY KEATING, MESSMORE, FRANKLIN,
SQUIRES, BRADLEY

IN THE SENATE

FEBRUARY 7, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON PUBLIC HEALTH, WELFARE, & SAFETY.

FEBRUARY 8, 1991 FIRST READING.

FEBRUARY 16, 1991 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

FEBRUARY 18, 1991 PRINTING REPORT.

FEBRUARY 19, 1991 SECOND READING, DO PASS.

FEBRUARY 20, 1991 ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 49; NOES, 0.

TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 4, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON HUMAN SERVICES & AGING.

FIRST READING.

MARCH 15, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 16, 1991 ON MOTION, CONSIDERATION PASSED

MARCH 18, 1991 ON MOTION, CONSIDERATION PASSED

MARCH 19, 1991 SECOND READING, CONCURRED IN.

MARCH 20, 1991 THIRD READING, CONCURRED IN.
AYES, 68; NOES, 29.

RETURNED TO SENATE.

IN THE SENATE

MARCH 21, 1991 RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *306*
 2 INTRODUCED BY *Senator Matthew Stankiewicz*
 3 *James Bradley*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE CURRENT
 5 RESTRICTIONS REGARDING MEDICAID REIMBURSEMENT FOR THE
 6 SERVICES OF LICENSED PROFESSIONAL COUNSELORS; AMENDING
 7 SECTION 53-6-101, MCA; AND PROVIDING AN EFFECTIVE DATE."
 8

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

10 **Section 1.** Section 53-6-101, MCA, is amended to read:

11 "53-6-101. Montana medicaid program -- authorization of
 12 services. (1) There is a Montana medicaid program
 13 established for the purpose of providing necessary medical
 14 services to eligible persons who have need for medical
 15 assistance. The Montana medicaid program is a joint
 16 federal-state program administered under this chapter and in
 17 accordance with Title XIX of the Federal Social Security Act
 18 (42 U.S.C. 1396, et seq.), as may be amended. The department
 19 of social and rehabilitation services shall administer the
 20 Montana medicaid program.

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

- 23 (a) inpatient hospital services;
- 24 (b) outpatient hospital services;
- 25 (c) other laboratory and x-ray services;

1 (d) skilled nursing services in long-term care
2 facilities;

3 (e) physicians' services;

4 (f) nurse specialist services;

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

7 (h) services provided by physician assistants-certified
8 within the scope of their practice and that are otherwise
9 directly reimbursed as allowed under department rule to an
10 existing provider;

11 (i) health services provided under a physician's orders
12 by a public health department; and

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

14 (3) Medical assistance provided by the Montana medicaid
15 program may, as provided by department rule, also include
16 the following services:

17 (a) medical care or any other type of remedial care
18 recognized under state law, furnished by licensed
19 practitioners within the scope of their practice as defined
20 by state law;

21 (b) home health care services;

22 (c) private-duty nursing services;

23 (d) dental services;

24 (e) physical therapy services;

25 (f) mental health center services administered and

1 funded under a state mental health program authorized under
2 Title 53, chapter 21, part 2;

- 3 (g) clinical social worker services;
4 (h) prescribed drugs, dentures, and prosthetic devices;
5 (i) prescribed eyeglasses;
6 (j) other diagnostic, screening, preventive,
7 rehabilitative, chiropractic, and osteopathic services;
8 (k) inpatient psychiatric hospital services for persons
9 under 21 years of age;
10 (l) services of professional counselors licensed under
11 Title 37, chapter 23~~-if-funds-are-specifically-appropriated~~
12 ~~for--the-inclusion-of-these-services-in-the-Montana-medicaid~~
13 ~~program;~~
14 (m) ambulatory prenatal care for pregnant women during
15 a presumptive eligibility period, as provided in 42 U.S.C.
16 1396a(a)(47) and 42 U.S.C. 1396r-1;
17 (n) any additional medical service or aid allowable
18 under or provided by the federal Social Security Act.

19 (4) The department may implement, as provided for in
20 Title XIX of the federal Social Security Act (42 U.S.C.
21 1396, et seq.), as may be amended, a program under medicaid
22 for payment of medicare premiums, deductibles, and
23 coinsurance for persons not otherwise eligible for medicaid.

24 (5) The department may set rates for medical and other
25 services provided to recipients of medicaid and may enter

1 into contracts for delivery of services to individual
2 recipients or groups of recipients.

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

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

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

13 (9) If available funds are not sufficient to provide
14 medical assistance for all eligible persons, the department
15 may set priorities to limit, reduce, or otherwise curtail
16 the amount, scope, or duration of the medical services made
17 available under the Montana medicaid program.

18 (10) Community-based medicaid services, as provided for
19 in part 4 of this chapter, must be provided in accordance
20 with the provisions of this chapter and the rules adopted
21 thereunder. (Subsection (2)(j) terminates June 30,
22 1991--sec. 4, Ch. 633, L. 1989; Subsection (3)(m) terminates
23 June 30, 1991--sec. 15, Ch. 649, L. 1989.)"

24 NEW SECTION. Section 2. Effective date. [This act] is
25 effective July 1, 1991.

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0306, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to eliminate current restrictions regarding medicaid reimbursement for the services of licensed professional counselors; amending Section 53-6-101, MCA; and providing an effective date.


ASSUMPTIONS:

1. Costs will be similar to those experienced when licensed social workers were added. The fees for a Licensed Professional Counselor (LPC) will be the same as for a Licensed Social Worker. The ratio of group and individual therapy will be the same as experienced for Licensed Social Workers.
2. Assume 3,905 hours of service in FY92; 4,979 hours in FY93 (based on number of hours provided in first 3 years of Licensed Social Worker compliance).
3. Assume operating cost of \$20,000 (25% General Fund - 75% federal revenue) to add LPCs to MMIS.
4. Benefits will be paid at federal matching assistance payment rate of 71.71% FF in FY92 and 71.90% FF in FY93.

FISCAL IMPACT:

Expenditures:

	FY92			FY93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
Operating Costs	0	20,000	20,000	0	0	0
Benefits & Claims	0	132,326	132,326	0	168,576	168,576
Total	0	152,326	152,326	0	168,576	168,576
<u>Funding:</u>						
General Fund	0	42,435	42,435	0	47,370	47,370
Federal Revenue	0	109,891	109,891	0	121,206	121,206
Total	0	152,326	152,326	0	168,576	168,576


ROD SUNDSTED, BUDGET DIRECTOR DATE 2-11-91
Office of Budget and Program Planning


THOMAS F. KEATING, PRIMARY SPONSOR DATE 2/12/91
Fiscal Note for SB0306, as introduced SB 306

APPROVED BY COMMITTEE
ON PUBLIC HEALTH, WELFARE
& SAFETY

1 *Senate* BILL NO. *306*
2 INTRODUCED BY *Senator Matthew Spangler*
3 *James Bradley*
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5 RESTRICTIONS REGARDING MEDICAID REIMBURSEMENT FOR THE
6 SERVICES OF LICENSED PROFESSIONAL COUNSELORS; AMENDING
7 SECTION 53-6-101, MCA; AND PROVIDING AN EFFECTIVE DATE."
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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Section 53-6-101, MCA, is amended to read:

11 "53-6-101. Montana medicaid program -- authorization of
12 services. (1) There is a Montana medicaid program
13 established for the purpose of providing necessary medical
14 services to eligible persons who have need for medical
15 assistance. The Montana medicaid program is a joint
16 federal-state program administered under this chapter and in
17 accordance with Title XIX of the federal Social Security Act
18 (42 U.S.C. 1396, et seq.), as may be amended. The department
19 of social and rehabilitation services shall administer the
20 Montana medicaid program.

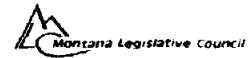
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22 program includes the following services:

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- 24 (b) outpatient hospital services;
- 25 (c) other laboratory and x-ray services;

- 1 (d) skilled nursing services in long-term care
2 facilities;
- 3 (e) physicians' services;
- 4 (f) nurse specialist services;
- 5 (g) early and periodic screening, diagnosis, and
6 treatment services for persons under 21 years of age;
- 7 (h) services provided by physician assistants-certified
8 within the scope of their practice and that are otherwise
9 directly reimbursed as allowed under department rule to an
10 existing provider;
- 11 (i) health services provided under a physician's orders
12 by a public health department; and
- 13 (j) hospice care as defined in 42 U.S.C. 1396d(o).
- 14 (3) Medical assistance provided by the Montana medicaid
15 program may, as provided by department rule, also include
16 the following services:
 - 17 (a) medical care or any other type of remedial care
18 recognized under state law, furnished by licensed
19 practitioners within the scope of their practice as defined
20 by state law;
 - 21 (b) home health care services;
 - 22 (c) private-duty nursing services;
 - 23 (d) dental services;
 - 24 (e) physical therapy services;
 - 25 (f) mental health center services administered and

SECOND READING

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1 funded under a state mental health program authorized under
2 Title 53, chapter 21, part 2;

- 3 (g) clinical social worker services;
- 4 (h) prescribed drugs, dentures, and prosthetic devices;
- 5 (i) prescribed eyeglasses;
- 6 (j) other diagnostic, screening, preventive,
7 rehabilitative, chiropractic, and osteopathic services;
- 8 (k) inpatient psychiatric hospital services for persons
9 under 21 years of age;
- 10 (l) services of professional counselors licensed under
11 Title 37, chapter 23; ~~if funds are specifically appropriated~~
12 ~~for the inclusion of these services in the Montana medicaid~~
13 ~~program;~~
- 14 (m) ambulatory prenatal care for pregnant women during
15 a presumptive eligibility period, as provided in 42 U.S.C.
16 1396a(a)(47) and 42 U.S.C. 1396r-1;
- 17 (n) any additional medical service or aid allowable
18 under or provided by the federal Social Security Act.

19 (4) The department may implement, as provided for in
20 Title XIX of the federal Social Security Act (42 U.S.C.
21 1396, et seq.), as may be amended, a program under medicaid
22 for payment of medicare premiums, deductibles, and
23 coinsurance for persons not otherwise eligible for medicaid.

24 (5) The department may set rates for medical and other
25 services provided to recipients of medicaid and may enter

1 into contracts for delivery of services to individual
2 recipients or groups of recipients.

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

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

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

13 (9) If available funds are not sufficient to provide
14 medical assistance for all eligible persons, the department
15 may set priorities to limit, reduce, or otherwise curtail
16 the amount, scope, or duration of the medical services made
17 available under the Montana medicaid program.

18 (10) Community-based medicaid services, as provided for
19 in part 4 of this chapter, must be provided in accordance
20 with the provisions of this chapter and the rules adopted
21 thereunder. (Subsection (2)(j) terminates June 30,
22 1991--sec. 4, Ch. 633, L. 1989; Subsection (3)(m) terminates
23 June 30, 1991--sec. 15, Ch. 649, L. 1989.)"

24 NEW SECTION. Section 2. Effective date. [This act] is
25 effective July 1, 1991.

-End-

-4-

1 *Senate* BILL NO. *306*
 2 INTRODUCED BY *Senator Messinger*
 3 *Officer Bradley*
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THIRD READING

SB 306



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24 June 30, 1991--sec. 15, Ch. 649, L. 1989.)"

25 NEW SECTION. **Section 2.** Effective date. [This act] is

SB 0306/02

1 effective July 1, 1991.

-End-