

1 *House* BILL NO. *517*
 2 INTRODUCED BY *Wolfe Holmes*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE
 5 LICENSING AND REGULATION OF HOME HEALTH AGENCIES IN MONTANA
 6 BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES;
 7 PROVIDING A DEFINITION OF HOME HEALTH AGENCIES; AND
 8 PROVIDING A LICENSE FEE FOR HOME HEALTH AGENCIES."

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

11 Section 1. Definitions. As used in this act:

12 (1) "Department" means the department of health and
 13 environmental sciences.

14 (2) "Home health agency" means a public or private
 15 agency, organization, facility, or subdivision thereof which
 16 is engaged in providing under physician direction skilled
 17 nursing and therapeutic services to injured, disabled or
 18 sick persons in their place of residence and which may
 19 provide other supportive services.

20 (3) "Person" means any individual, firm, partnership,
 21 association, corporation, or any other entity whether
 22 organized for profit or not.

23 (4) "Skilled nursing services" means the services of a
 24 licensed registered nurse or nurses.

25 (5) "Therapeutic services" means services which

1 include, but are not limited to, speech or occupational
 2 therapy, medical social, licensed practical nurse, or home
 3 health aide services.

4 (6) "Supportive services" means services which
 5 include, but are not limited to, homemaker, meal delivery,
 6 or sick room equipment and supplies services.

7 Section 2. Home health agency license -- application
 8 -- fee -- non-transferable.

9 (1) A person may not conduct, maintain or operate a
 10 home health agency without a license issued by the
 11 department.

12 (2) Application for the license shall be made in the
 13 manner as prescribed by the department.

14 (3) An annual fee of twenty dollars (\$20) shall be
 15 paid to the department for the license, and the fee shall be
 16 deposited in the state general fund.

17 (4) The license shall expire one year following its
 18 date of issue. Renewal may be obtained annually.

19 (5) If a home health agency ceases to do business, the
 20 license shall be surrendered to the department. The license
 21 is not transferable.

22 (6) The department may deny, suspend or revoke a
 23 license for non-compliance with this chapter or rules
 24 adopted by the department.

25 Section 3. Adoption of rules. The department shall

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1 adopt rules for operating home health agencies to ensure the
2 quality of services provided and protect public health.

3 Section 4. Penalties.

4 (1) Violation of this act or a rule of the department
5 adopted under this act is a misdemeanor.

6 (2) Action under subsection (1) of this section does
7 not bar enforcement of this act or rules of the department
8 under this act by injunction or other appropriate remedy.

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Approved by Committee
on Public Health, Welfare
& Safety

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Section 2. Home health agency license -- application -- fee -- nontransferable.

(1) A person may not conduct, maintain or operate a home health agency without a license issued by the department.

(2) Application for the license shall be made in the manner as prescribed by the department.

(3) An annual fee of twenty dollars (\$20) shall be paid to the department for the license, and the fee shall be deposited in the state general fund.

(4) The license shall expire one year following its date of issue. Renewal may be obtained annually.

(5) If a home health agency ceases to do business, the license shall be surrendered to the department. The license is not transferable.

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