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 2 INTRODUCED BY Comy Palmer Wade Country
 3 Hymnister Metcalfe G. Anderson O'Connell Edwards
 4 Kutler Waldron Basile Hugh
 5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE
 6 LICENSING AND REGULATION OF HOME HEALTH AGENCIES IN MONTANA
 7 BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES."
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Definitions. As used in this act, the
 10 following definitions apply:

11 (1) "Department" means the department of health and
 12 environmental sciences, provided for in Title 82A, chapter
 13 6.

14 (2) "Home health agency" means a public or private
 15 agency, organization, facility, or subdivision thereof which
 16 is engaged in providing home health services to individuals
 17 and families where they are presently residing or in
 18 ambulatory care settings, for the purpose of preventing
 19 disease and promoting, maintaining, or restoring health or
 20 minimizing the effects of illness or disability.

21 (3) "Home health services" means a broad range of
 22 health and social services furnished to individuals and
 23 families by a home health agency, or by others under
 24 arrangements with the agency, in the place where they are
 25 presently residing or in ambulatory care settings. Services

1 must include the services of a licensed registered nurse and
 2 at least one other therapeutic service and may include
 3 additional support services.

4 (4) "Person" means an individual, firm, partnership,
 5 association, corporation, or any other entity, whether
 6 organized for profit or not.

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- 20 (e) homemaker services.

21 Section 2. License required -- duration -- transfer
 22 prohibited -- display. (1) A person may not conduct,
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25 (2) The license shall expire 1 year following its date

1 of issue. Renewal may be obtained annually.

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24 accordance with the Montana Administrative Procedure Act.

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19 in all valid applications that are severable from the
20 invalid applications.

21 Section 12. Effective date. This act is effective upon
22 passage and approval.

-End-

Approved by Committee
on Public Health, Welfare
& Safety

1 H BILL NO. 360
 2 INTRODUCED BY Cowley Palmer White Courtney
 3 Hymanston Metcal G. Anderson O'Connell
 4 Kudela and Walbran FOR THE Assembly
 5 A BILL FOR AN ACT ENTITLED "AN ACT PROVIDING FOR THE Health
 6 LICENSING AND REGULATION OF HOME HEALTH AGENCIES IN MONTANA
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-End-

March 26, 1977

SENATE

Standing Committee Report
Public Health, Welfare & Safety

That House Bill No. 360, third reading, be amended as follows:

1. Amend page 3, section 2, line 2.

Following: "the"

Strike: "person"

Insert: "home health agency"

2. Amend page 3, section 3, line 12.

Following: line 12

Insert: "(2) An existing agency must be awarded a certificate of need from the department prior to an expansion of geographic area of service or the addition of a new service."

Renumber: subsequent subsections

3. Amend page 3, section 3, line 15.

Following: line 14

Strike: lines 15 through line 16

Renumber: subsequent subsections

4. Amend page 4, section 3, line 21.

Following: ";"

Insert: "and"

5. Amend page 4, section 3, line 23.

Following: "project"

Strike: "; and"

Insert: "."

6. Amend page 4, section 3, lines 24 and 25.

Following: line 23

Strike: lines 24 and 25 in their entirety

7. Amend page 6, section 8, line 14.

Following: "1861"

Strike: "(k) and"

8. Amend page 6, section 8, line 15.

Following: "under"

Strike: "Titles"

Insert: "Title"

9. Amend page 6, section 8, line 16.

Following: line 15

Strike: "and XX"

10. Amend page 7, section 10, lines 11 and 12.

Following: "without"

Strike: "prior written approval"

Insert: "a certificate of need issued"

HOUSE BILL NO. 360

INTRODUCED BY COONEY, PALMER, UHDE, COURTNEY, O'KEEFE,
HARRINGTON, METCALF, J. GUNDERSON, O'CONNELL, KIMBLE,
BRAND, WALDRON, EUDAILY, HARPER, KESSLER, DUSSAULT,
HOLMES

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16 ~~(2) AN EXISTING AGENCY MUST BE AWARDED A CERTIFICATE~~
 17 ~~OF NEED FROM THE DEPARTMENT PRIOR TO AN EXPANSION OF~~
 18 ~~GEOGRAPHIC AREA OF SERVICE OR THE ADDITION OF A NEW SERVICE.~~

19 ~~(2)(3) No certificate of need may be issued unless an~~
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7 (a) the compatibility with needs shown in the
 8 appropriate state plan; and such other criteria and
 9 standards established by the department;

10 (b) the availability of services which may serve as
 11 alternates or substitutes;

12 (c) the need for special equipment and services in the
 13 area;

14 (d) the possible economics and improvement in services
 15 to be anticipated;

16 (e) the adequacy of financial resources and sources of
 17 future revenues; and

18 (f) the availability of sufficient manpower in
 19 professional disciplines.

20 ~~(4)(5) An application for a certificate of need must~~
 21 ~~be submitted to the department in a form together with~~
 22 ~~information as the department may prescribe. The application~~
 23 ~~must include:~~

24 (a) a narrative description of the proposed project;

25 (b) the number and type of services to be provided;

1 (c) the estimated cost;
 2 (d) the source of financing; ~~AND~~
 3 (e) the expected time for completion of the proposed
 4 project~~and~~.
 5 ~~(f) a simple line drawing showing major dimensions of~~
 6 ~~the proposed projects~~.
 7 ~~(5)(6)~~ Within 7 days after receipt of the application
 8 for certificate of need by the department, the department
 9 shall send notice to every licensed home health agency
 10 within the state of Montana located within 100 miles of the
 11 applicant.
 12 ~~(6)(7)~~ The department shall notify the applicant, in
 13 writing, of approval or disapproval of the proposal within
 14 90 days after the application is submitted to the
 15 department, otherwise the application automatically is
 16 approved and the certificate of need granted.
 17 ~~(7)(8)~~ A certificate of need is valid for 1 year from
 18 the date of issue, but may be extended by the department for
 19 a period of 6 months.
 20 ~~(8)(9)~~ If the department disapproves an application,
 21 the department must notify the applicant of its actions and
 22 afford the applicant an opportunity to request a hearing
 23 before the board of health and environmental sciences. The
 24 applicant must notify the department to request a hearing
 25 within 15 days after receipt of the notice of disapproval.

1 If the decision, after hearing, is adverse, the applicant
 2 may appeal to the district court as provided in 82-4216.
 3 Section 4. Application for license. Application for
 4 the license shall be made in the manner as prescribed by the
 5 department.
 6 Section 5. Issuance and renewal of licenses. On
 7 receipt of a new or renewal application, the department or
 8 its authorized agent shall inspect the agency. If minimum
 9 standards, described in [section 8] are met, the department
 10 shall issue a license for 1 year.
 11 Section 6. License fees. An annual fee of \$20 shall be
 12 paid to the department for the license, and the fee shall be
 13 deposited in the state general fund.
 14 Section 7. Denial, suspension, or revocation of
 15 license. The department may deny, suspend, or revoke a
 16 license for noncompliance with this act or rules adopted by
 17 the department.
 18 Section 8. Standards for licensure. (1) The minimum
 19 standards which home health agencies must meet in order to
 20 be licensed shall be as outlined in P.L. 89-97, section
 21 1861(k)~~---end~~ (m), which authorizes the conditions of
 22 participation for home health agencies under ~~Titles~~ IIIE
 23 XVIII end-XX of the Social Security Act.
 24 (2) All phases of an agency's operation shall be
 25 without discrimination against individuals or groups of

1 individuals on the basis of race, creed, color, national
2 origin, sex, age.

3 Section 9. Rule making authorized. The department may
4 adopt, amend, or repeal rules necessary for the
5 implementation, continuation, and enforcement of this act in
6 accordance with the Montana Administrative Procedure Act.

7 Section 10. Penalties. (1) A person who violates
8 this act is subject to the penalties provided for in
9 69-5221.

10 (2) The department, on advice of the attorney general,
11 may maintain an action for injunction or other process
12 against any person to restrain or prevent the establishment,
13 conduct, management, or operation of a home health agency
14 which is in violation of this act or the rules promulgated
15 pursuant to this act.

16 (3) A person who establishes a new home health agency,
17 or expands the geographic service area or adds a new service
18 to an existing home health agency, without ~~prior-written~~
19 ~~approval~~ A CERTIFICATE OF NEED ISSUED by the department, is
20 guilty of a misdemeanor and shall be fined not less than
21 \$1,000 or more than \$10,000, the fine to be deposited in the
22 state general fund.

23 Section 11. Severability. If a part of this act is
24 invalid, all valid parts that are severable from the invalid
25 part remain in effect. If a part of this act is invalid in

1 one or more of its applications, the part remains in effect
2 in all valid applications that are severable from the
3 invalid applications.

4 Section 12. Effective date. This act is effective upon
5 passage and approval.

-End-