

1 *Senate* BILL NO. *273*  
 2 INTRODUCED BY *Lee Williams Blaylock Thomas*  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS  
 5 34-302 AND 69-5201, R.C.M. 1947, TO ENABLE ROOMING HOUSES  
 6 AND OTHER SIMILAR ACCOMMODATIONS TO BE LICENSED AS LONG-TERM  
 7 CARE FACILITIES IF THEY PROVIDE PROFESSIONAL NURSING  
 8 SERVICES."

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

11 Section 1. Section 34-302, R.C.M. 1947, is amended to  
 12 read as follows:

13 "34-302. Definitions. Unless the context requires  
 14 otherwise in this act:

15 (a) "Person" includes an individual, partnership,  
 16 corporation, association, county, municipality, co-operative  
 17 group, or other entity engaged in the business of operating,  
 18 owning, or offering the services of a hotel, motel, tourist  
 19 home, retirement home or rooming house.

20 (b) "Board" means board of health and environmental  
 21 sciences.

22 (c) "Department" means the department of health and  
 23 environmental sciences.

24 (d) "Hotel or motel" includes a building or structure  
 25 kept, used, or maintained as or advertised as, or held out

1 to the public to be a hotel, motel, inn, motor court,  
 2 tourist court, public lodging house or place where sleeping  
 3 accommodations are furnished for a fee to transient guests  
 4 with or without meals.

5 (e) "Tourist home" means an establishment or premises  
 6 where sleeping accommodations are furnished to transient  
 7 guests for hire or rent on a daily or weekly rental basis in  
 8 a private home when the accommodations are offered for hire  
 9 or rent for the use of the traveling public.

10 (f) "Transient guest" means a guest for only a brief  
 11 stay, such as the traveling public.

12 (g) "Rooming house or retirement home" means buildings  
 13 in which separate sleeping rooms are rented providing  
 14 sleeping accommodations for three (3) or more persons on a  
 15 weekly, semimonthly, monthly or permanent basis; with or  
 16 without meals, but without separate cooking facilities or  
 17 professional nursing services on a regular basis for  
 18 individual occupants."

19 Section 2. Section 69-5201, R.C.M. 1947, is amended to  
 20 read as follows:

21 "69-5201. Definitions. As used in this chapter, unless  
 22 the context clearly indicates otherwise:

23 (1) "Hospital" means any health care facility licensed  
 24 by the department of health and environmental sciences to  
 25 provide, by or under the supervision of licensed physicians,

1 services for medical diagnosis, treatment, and care of  
 2 injured, disabled, or sick persons. Services provided may or  
 3 may not include obstetrical care. A health care facility in  
 4 order to be licensed as a hospital must have an organized  
 5 medical staff; shall provide twenty-four (24) hour nursing  
 6 care by licensed professional nurses and shall be in  
 7 compliance with the regulations for licensed hospitals as  
 8 promulgated and adopted by the state department of health  
 9 and environmental sciences.

10 (2) "Hospital related facility" means a facility  
 11 licensed by the department of health and environmental  
 12 sciences to provide any or all of the following: diagnosis;  
 13 treatment; medical or nursing care or medically related  
 14 rehabilitation services. Such facilities include, but are  
 15 not limited to, outpatient facilities, public health  
 16 centers, rehabilitation facilities, long-term care  
 17 facilities, infirmaries, mental health and mental  
 18 retardation institutions, alcohol and drug dependency  
 19 centers and half-way houses. A health care facility in order  
 20 to be licensed as a "hospital related facility" shall be in  
 21 compliance with the regulations, for the specific category  
 22 of facility, as promulgated and adopted by the state  
 23 department of health and environmental sciences.

24 (a) "Outpatient facility -- A" means a physically  
 25 separate component of a licensed hospital, or a medical

1 clinic or other establishment owned or operated by a  
 2 licensed physician or physicians, which has an observation  
 3 bed or beds and which provides to patients, not requiring  
 4 hospitalization, the services of persons licensed to  
 5 practice medicine or dentistry in the state of Montana. An  
 6 "observation bed" is a bed used by a patient recovering from  
 7 surgery or other treatment. No patient shall be allowed to  
 8 remain in an outpatient facility for more than six (6)  
 9 hours.

10 (b) "Outpatient facility -- B" means a facility  
 11 operated physically apart from a hospital, other than a  
 12 medical clinic or other establishment owned or operated by a  
 13 licensed physician or physicians, which provides to  
 14 ambulatory patients, not requiring hospitalization, the  
 15 services of persons licensed to practice medicine or  
 16 dentistry in the state of Montana, but which does not have  
 17 an observation bed or beds as defined in subsection (2) (a).

18 (c) "Public health centers" means a publicly owned  
 19 facility utilized by a local health unit for the provision  
 20 of public health services, including related public  
 21 facilities such as laboratories, clinics, and administrative  
 22 offices operated in connection with public health centers.

23 (d) "Rehabilitation facility" means a facility  
 24 providing community service which is operated for the  
 25 primary purpose of assisting in the rehabilitation of

1 disabled persons through an integrated program under  
 2 competent professional supervision including: medical  
 3 services and evaluation; and psychological, social and  
 4 vocational services and evaluation.

5 (e) "Long-term care facility" means a place which  
 6 provides skilled nursing care to a total of two (2) or more  
 7 persons or personal care to more than three (3) persons, who  
 8 by reason of illness or disability are unable to properly  
 9 care for themselves and are not related to the owner or  
 10 administrator by blood or marriage, and may be defined as  
 11 follows:

12 (i) "Skilled nursing facilities" are establishments  
 13 furnishing continuous skilled nursing care and related  
 14 services twenty-four (24) hours a day.

15 (ii) "Intermediate care facilities -- A" are  
 16 establishments furnishing limited skilled nursing care and  
 17 personal care.

18 (iii) "Intermediate care facilities -- B" are  
 19 establishments providing only personal care and services to  
 20 residents.

21 (iv) "Combination facilities" are establishments  
 22 providing two (2) or more of the following services: skilled  
 23 nursing care and intermediate care -- A and/or B.

24 (v) Hotels, motels, boarding houses, rooming houses,  
 25 or similar accommodations providing for transients,

1 students, or persons not requiring institutional health care  
 2 are not considered to be long-term facilities, unless  
 3 professional nursing services are provided on a regular  
 4 basis by the facility.

5 (f) "Infirmiry" means a facility located in a  
 6 university, college, government institution, or industry,  
 7 for the treatment of the sick or injured.

8 (i) "Infirmiry -- A" provides outpatient and inpatient  
 9 care.

10 (ii) "Infirmiry -- B" provides outpatient care only.

11 (3) "Person" means any individual, firm, partnership,  
 12 association or corporation, or governmental unit.

13 (4) "Governmental unit" means the state, a state  
 14 agency, any county, municipality, political subdivision of  
 15 the state or an agency of any political subdivision.

16 (5) "Resident" means a person who is in a long-term  
 17 care facility as a patient or for personal care.

18 (6) "Health care facility" means a hospital, hospital  
 19 related facility or long-term care facility.

20 (7) "Department" means state department of health and  
 21 environmental sciences.

22 (8) "Construction" means the erection, expansion,  
 23 remodeling or alteration of any new or existing facility,  
 24 the capital expenditure for which amounts to fifty thousand  
 25 dollars (\$50,000) or more in any twelve month period; or any

1 substantial change in services, or any increase or decrease  
2 in the number of beds in excess of ten percent (10%) of the  
3 licensed capacity of the facility, or in excess of ten (10)  
4 beds, whichever is the lesser; or any purchase of  
5 therapeutic or diagnostic equipment (excluding replacement  
6 of existing equipment) in any twelve month period, at a cost  
7 exceeding two percent (2%) of the facility's total operating  
8 costs for the most recently completed fiscal year up to a  
9 maximum of one hundred thousand dollars (\$100,000), or  
10 exceeding ten thousand dollars (\$10,000), whichever is  
11 larger. All exemptions from this definition must  
12 nevertheless be consistent with the state medical facilities  
13 plan of the department."

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