

HOUSE BILL 655

IN THE HOUSE

February 8, 1979	Introduced and referred to Committee on Human Services.
February 19, 1979	Committee recommend bill, do pass.
February 21, 1979	Second reading, as amended.
February 22, 1979	Correctly engrossed.
February 23, 1979	Third reading, passed.

IN THE SENATE

February 23, 1979	Introduced and referred to Committee on Public Health, Welfare, & Safety.
March 15, 1979	Committee recommend bill, not concurred.

IN THE HOUSE

March 16, 1979	Returned from Senate, not concurred.
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1 *House* BILL NO. *655*
 2 INTRODUCED BY *Maury Felty*
 3 *Gordon Ottum*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH PERSONAL
 5 CARE FACILITIES."

6
 7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

8 Section 1. Purpose. In order to ensure the proper care
 9 of a person released from a hospital but unable to properly
 10 care for himself, the department may license, and supervise
 11 personal care facilities.

12 Section 2. Definitions. As used in [this act], the
 13 following definitions apply:

14 (1) "Department" means the department of social and
 15 rehabilitation services.

16 (2) "Personal care facilities" means a facility that
 17 provides personal care and services in addition to food,
 18 shelter, and laundry to individuals who are not in need of
 19 skilled nursing care.

20 (3) "Personal services" means help in feeding,
 21 walking, getting in and out of bed, dressing, washing,
 22 shaving, care of hair, bathing, preparation of modified
 23 diets, and supervision of medications.

24 (4) "Skilled nursing care" means 24-hour care
 25 supervised by a registered nurse or licensed practical nurse

1 under orders of an attending physician.

2 Section 3. License required. No person may maintain or
 3 operate a personal care facility within the meaning of [this
 4 act] without first securing a license in writing from the
 5 department. No fee may be charged for the license.

6 Section 4. Issuance of license -- authority of issuing
 7 agency. The department may prescribe the conditions upon
 8 which licenses for personal care facilities shall be issued
 9 and may make rules it considers advisable for the operation
 10 and regulation of a personal care facility consistent with
 11 the welfare of the residents. The licensing agency may
 12 inspect all licensed personal care facilities through its
 13 duly authorized representatives and may cancel licenses
 14 theretofore issued for the failure to observe such rules.
 15 The person operating a facility shall give to the
 16 representative any information that may be required and
 17 afford him every reasonable opportunity for observing the
 18 operation of the facility.

19 Section 5. Financial assistance provided. The
 20 department shall provide financial assistance to medicaid
 21 eligible persons who are in need of personal care services.

22 Section 6. Limitation on care offered. The type of
 23 care offered by personal care facilities is personal care
 24 and services and does not include skilled nursing care.

-End-

HB 655
 -2- INTRODUCED BILL

STATE OF MONTANA

Request No. 462-79

FISCAL NOTE

Form BD-15

In compliance with a written request received March 9, 1979, there is hereby submitted a Fiscal Note for House Bill 655 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

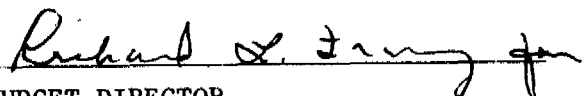
House Bill 655 is an act to provide for licensure of personal care facilities by the Department of Health and Environmental Sciences and to provide financial assistance by the Department of Social and Rehabilitation Services.

ASSUMPTIONS:

1. The cost of personal care services will be \$350 per month -- \$25 for personal needs, which is retained by the recipient, and \$325 to a provider for room, board, laundry and personal services. The resources contributed by the recipient will be the SSI monthly allowance of \$189.40. The balance of \$160.60 will come from State General Fund monies.
2. There is no estimate of the number of personal care beds that currently exist in Montana, so it is impossible to estimate the total possible expenditures under HB 655. The Department of Social and Rehabilitation Services in discussing HB 655 has proposed a pilot study of 100 beds. The direct care costs thus assumes 100 beds. The figures can be scaled up or down for changes in the number of beds to be provided.
3. It is assumed that some of the staff available in the current biennium for a nursing home screening project will continue into the 1980-81 biennium.
4. Although it is reasonable to assume that some portion of the individuals receiving services from personal care facilities would have instead received benefits from the Medicaid program, the number of such persons cannot be quantified, therefore, no off-setting reduction of Medicaid costs have been included in the estimate.
5. The Department of Health and Environmental Sciences will incur no additional costs as a result of the proposed legislation.

FISCAL IMPACT:

Benefit payments from the State General Fund by the Department of Social and Rehabilitation Services will increase approximately \$193,000 per year as a result of the proposed legislation.


BUDGET DIRECTOR
Office of Budget and Program Planning
Date: 3/15/79

HOUSE BILL NO. 655

INTRODUCED BY MOORE, FABREGA, GOODOVER, O'HARA

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH PERSONAL CARE FACILITIES."

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

Section 1. Purpose. In order to ensure the proper care of a person released from a hospital, ~~NURSING HOME, ROOM AND BOARD HOME, OR PRIVATE HOME~~ but unable to properly care for himself, ~~the department may license and supervise personnel care facilities~~ A PERSONAL CARE FACILITY PROGRAM IS ESTABLISHED.

Section 2. Definitions. As used in [this act], the following definitions apply:

(1) "Department" means the department of social and rehabilitation services.

(2) "Personal care facilities" means a facility that provides personal care and services in addition to food, shelter, and laundry to individuals who are not in need of skilled nursing care.

(3) "Personal services" means help in feeding, walking, getting in and out of bed, dressing, washing, shaving, care of hair, bathing, preparation of modified diets, and supervision of medications.

(4) "~~Skilled-nursing~~ NURSING HOME care" means 24-hour care supervised by a registered nurse or licensed practical nurse under orders of an attending physician.

Section 3. License required. No person may maintain or operate a personal care facility within the meaning of [this act] without first securing a license in writing from the department OF HEALTH AND ENVIRONMENTAL SCIENCES. ~~No fee may be charged for the license.~~

~~Section 4. Issuance of license. Authority of issuing agency. The department may prescribe the conditions upon which licenses for personal care facilities shall be issued and may make rules it considers advisable for the operation and regulation of a personal care facility consistent with the welfare of the residents. The licensing agency may inspect all licensed personal care facilities through its duly authorized representatives and may cancel licenses theretofore issued for the failure to observe such rules. The person operating a facility shall give to the representative any information that may be required and afford him every reasonable opportunity for observing the operation of the facility.~~

Section 4. Financial assistance provided. The department shall provide financial assistance to ~~medicaid~~ SUPPLEMENTAL SECURITY INCOME (SSI) eligible persons who are in need of personal care services.

1 Section 5. Limitation on care offered. The type of
2 care offered by personal care facilities is personal care
3 and services and does not include skilled--nursing NURSING
4 HOME care. NOR IS IT APPROPRIATE FOR THOSE PERSONS WHO ARE
5 ABLE TO LIVE IN THEIR OWN HOME OR IN A LICENSED ROOM AND
6 BOARD HOME.

-End-