

SENATE BILL 446

IN THE SENATE

February 10, 1979

Referred to Committee on Public
Health, Welfare and Safety.

February 20, 1979

Committee recommend bill, do
not pass.

1 *Senate* BILL NO. *446*
 2 INTRODUCED BY *Fredrick Olson Thomas Norman*

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO RESTRICT COUNTY
 5 MEDICAL PROGRAMS FOR THE NEEDY TO PERSONS WHO DO NOT HAVE
 6 ACCESS TO OTHER GOVERNMENT HEALTH PROGRAMS OR HEALTH
 7 INSURANCE; ESTABLISHING A MINIMUM LEVEL OF SERVICE; AND
 8 DESIGNATING RESPONSIBILITY IN CASES OF INTRASTATE MOVEMENT
 9 OF INDIGENT PERSONS; AMENDING SECTIONS 53-3-103 AND
 10 53-3-306, MCA."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 53-3-103, MCA, is amended to read:
 14 "53-3-103. Medical aid and hospitalization for
 15 indigent. (1) Except as provided in other parts of this
 16 title, medical aid and hospitalization for county residents
 17 and nonresidents within the county unable to provide these
 18 necessities for themselves are the legal and financial duty
 19 and responsibility of the board of county commissioners and
 20 are payable from the county poor fund. The board of county
 21 commissioners shall make provisions for competent and
 22 skilled medical or surgical services as are approved by the
 23 department of health and environmental sciences or the state
 24 medical association or, in the case of osteopathic
 25 practitioners, by the state osteopathic association or

1 chiropractors by the state chiropractic association or
 2 optometrical services as approved by the Montana optometric
 3 association or dental services as approved by the dental
 4 association. "Medical" or "medicine" as used in this section
 5 refers to the healing art as practiced by licensed
 6 practitioners.

7 (2) The board, in arranging for medical care for those
 8 unable to provide it for themselves, may have the care
 9 provided by physicians appointed by the board who shall be
 10 known as county physicians or deputy county physicians and
 11 may fix a rate of compensation for the furnishing of the
 12 medical attendance.

13 (3) The department may promulgate rules to determine
 14 under what circumstances persons in the county are unable to
 15 provide medical aid and hospitalization for themselves,
 16 including the power to define the term "medically needy
 17 indigent". However, the definition may not allow payment by
 18 a county for general assistance—medical for persons whose
 19 gross income exceeds 300% of the limitation for obtaining
 20 regular county general relief assistance or for persons who
 21 have available medical resources from other government
 22 programs or insurance coverage that provides comprehensive
 23 hospital and physician care.

24 (4) In any case where the county or state pays medical
 25 expenses or hospitalization for an individual, the county or

1 state is subrogated to the claims of the physician or
 2 hospital to the extent of payment. To the extent necessary
 3 for reimbursement of medical benefits paid to or on behalf
 4 of an individual, the county or state is subrogated to the
 5 rights of the individual to recover from a third party who
 6 may be liable to pay the medical expenses. The provisions of
 7 53-2-612 which relate to medical benefits provided under
 8 Titles XIX and XX of the Social Security Act apply to
 9 medical benefits provided for in this section.

10 (5) The governing body of the county shall provide a
 11 minimal level of medical service by providing necessary
 12 palliative care to all qualified individuals. If the county
 13 poor fund is sufficient, the county may provide additional
 14 services at its discretion."

15 Section 2. Section 53-3-306, MCA, is amended to read:
 16 "53-3-306. County liability for general relief. (1)
 17 ~~Upon the filing of his application in the county of~~
 18 ~~residence, a qualified applicant's~~ A person applying for
 19 general assistance shall file the application in the county
 20 where he lives. If the applicant is qualified, the general
 21 relief assistance shall be paid entirely from state funds
 22 until he has resided for 1 continuous year in Montana, at
 23 which time he shall become a financial responsibility of the
 24 county in which he resides at the expiration of the 1-year
 25 period. A person who leaves Montana with the intent to

1 reside in another state and later returns to reside in
 2 Montana is considered a new resident for the purposes of
 3 this chapter and 53-2-610(3).

4 (2) If a recipient person moves from his original
 5 county of residence to reside in another county, he shall
 6 continue to be a financial responsibility of the original
 7 county of residence for 1 year from the date of his change
 8 of residence. If during this 1-year period the individual
 9 resides in several counties, he shall become a financial
 10 responsibility of the county in which he resides at the
 11 expiration of the 1-year period."

-End-