

House Bill 811

In The House

February 19, 1981	Introduced and referred to Committee on Appropriations.
February 20, 1981	Fiscal note requested.
February 23, 1981	Fiscal note returned.
	Committee recommend bill do pass.
February 24, 1981	Bill printed and placed on members' desks.
February 25, 1981	Second reading do pass as amended.
	On motion rules suspended and bill placed and third reading this day.
	Third reading passed.

In The Senate

March 3, 1981	Introduced and referred to Committee on Finance and Claims.
March 16, 1981	Committee recommend bill concurred as amended.
March 18, 1981	Motion pass consideration.
March 19, 1981	Second reading pass consideration.
March 20, 1981	Second reading pass consideration.
March 21, 1981	Second reading pass considerartion.
March 23, 1981	Second reading concurred as amended.
March 24, 1981	On motion taken from Committee on Bills and Journals and referred to second reading. Motion adopted.

March 25, 1981

Motion pass consideration.

March 26, 1981

Second reading concurred  
as amended.

On motion taken from  
Committee on Bills and  
Journals and referred to  
second reading. Motion  
adopted.

March 27, 1981

Second reading indefinitely  
postponed.

In The House

March 28, 1981

Returned from Senate  
indefinitely postponed.

1                                   HOUSE       BILL NO.   811  
 2   INTRODUCED BY Special Committee on Appropriations  
 3                   BY REQUEST OF THE HOUSE COMMITTEE ON APPROPRIATIONS  
 4

5   A BILL FOR AN ACT ENTITLED:   "AN ACT TO PROVIDE FOR  
 6   ELIGIBILITY CRITERIA FOR THE RENAL DISEASE TREATMENT PROGRAM  
 7   AND GRANTING SPECIFIC RULEMAKING AUTHORITY FOR THE PROGRAM;  
 8   AMENDING SECTIONS 53-6-201 AND 53-6-202, MCA."  
 9

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

11           Section 1. Section 53-6-201, MCA, is amended to read:

12           "53-6-201. Legislative intent. It is the intent of the  
 13   legislature to insure the establishment of a program for the  
 14   care and treatment of persons suffering from chronic renal  
 15   diseases who require lifesaving care and treatment for such  
 16   renal diseases but who ~~are--unable~~ have insufficient  
 17   financial resources available to pay for the services on a  
 18   continuing basis."  
 19

19           Section 2. Section 53-6-202, MCA, is amended to read:

20           "53-6-202. Establishment of program. The department of  
 21   social and rehabilitation services shall establish a program  
 22   to provide treatment to eligible persons suffering from  
 23   chronic renal diseases, including dialysis and other medical  
 24   procedures and techniques, which will have a lifesaving  
 25   effect in the care and treatment of such persons. The

1   department shall extend financial assistance to persons  
 2   suffering from chronic renal diseases in obtaining the  
 3   medical, nursing, pharmaceutical, and technical services  
 4   necessary to care for such diseases, including the rental or  
 5   purchase of home dialysis equipment and supplies. ~~The~~  
 6   ~~department---shall---establish---standards--for--determining~~  
 7   ~~eligibility-for-care-and-treatment--under--this--program--in~~  
 8   ~~order--that--treatment--shall--be--provided-to-those-who-are~~  
 9   ~~financially-unable-to-obtain-such-treatment-without--causing~~  
 10   ~~severe--economic-imbalance-in-the-family-economic-unit--such~~  
 11   ~~standards-shall-be-established-without-reference-to--maximum~~  
 12   ~~or-minimum-income-levels."~~

13           **NEW SECTION.** Section 3. Rules and criteria. (1) The  
 14   department shall adopt rules for determining the eligibility  
 15   of persons for the chronic renal disease program and for  
 16   establishing appropriate standards for program services.

17           (2) A person is not eligible for this program if the  
 18   person has either adequate personal financial resources for  
 19   treatment and care, including medical insurance coverage, or  
 20   is currently eligible for any public program providing  
 21   financial resources for medical needs.

22           (3) The department may not expend funds for program  
 23   services over the amount of funds currently appropriated for  
 24   the program.

25           Section 4. Codification instruction. Section 3 is

LC 1467/01

1 intended to be codified as an integral part of Title 53,  
2 chapter 6, part 2, and the provisions of Title 53, chapter  
3 6, part 2, apply to section 3.

-End-

STATE OF MONTANA

REQUEST NO. 414-81

FISCAL NOTE

Form BD-15

In compliance with a written request received February 20, 19 81, there is hereby submitted a Fiscal Note for House Bill 811 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

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

This proposal would provide eligibility criteria for the renal disease treatment program.

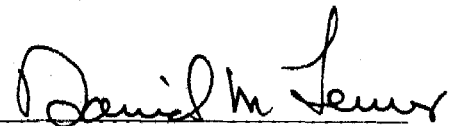
Fiscal Impact

It is estimated this proposal would reduce general fund expenditures as required by current law in the following amounts:

	<u>FY 1982</u>	<u>FY 1983</u>	<u>Biennium</u>
Benefits and Claims	\$112,000	\$125,000	\$237,000

Comment

The recommendations of the appropriations subcommittee for human services are based on passage of this bill. If passage does not occur, the appropriation of the Department of Social and Rehabilitation Services would need to be increased by the above amounts.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/23/81

## 1 STATEMENT OF INTENT

## 2 HOUSE BILL 811

## 3 House Appropriations Committee

4  
5 The Vocational Rehabilitation Division of the  
6 Department of Social and Rehabilitation Services administers  
7 the "renal disease treatment" program authorized by Title  
8 53, chapter 6, part 2, MCA. The department's authority to  
9 adopt rules for the program under the current statutory  
10 provisions is only implied. This legislation would grant  
11 express rulemaking authority to the department. By that  
12 authority the department could adopt rules controlling the  
13 eligibility of applicants and the nature of the renal  
14 medical services provided.

15 This legislation provides that eligibility would be  
16 predicated on actual need for the financial assistance.  
17 Those persons who have adequate financial resources, medical  
18 insurance coverage, or who are eligible for other public  
19 programs providing financial resources for medical needs  
20 would not be eligible for the benefits of this program. At  
21 the time the act was passed in 1975, other sources of  
22 financial assistance were limited in number and nature.  
23 Since that time the development and expansion of other  
24 programs has resulted in almost all recipients of service in  
25 this state-funded program being eligible for assistance from

1 the Federal Medical programs. The eligibility criteria added  
2 by this legislation will insure that the participants in the  
3 program are those who most deserve to benefit from the  
4 program.

5 This legislation in limiting expenditures to that  
6 appropriated currently for the program will insure that the  
7 state does not assume financial responsibilities beyond its  
8 capability to do so.

Approved by Comm.  
on Appropriations

HOUSE BILL NO. 811

INTRODUCED BY LUND, COMMITTEE ON APPROPRIATIONS

BY REQUEST OF THE HOUSE COMMITTEE ON APPROPRIATIONS

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR  
ELIGIBILITY CRITERIA FOR THE RENAL DISEASE TREATMENT PROGRAM  
AND GRANTING SPECIFIC RULEMAKING AUTHORITY FOR THE PROGRAM;  
AMENDING SECTIONS 53-6-201 AND 53-6-202, MCA."

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

Section 1. Section 53-6-201, MCA, is amended to read:

"53-6-201. Legislative intent. It is the intent of the legislature to insure the establishment of a program for the care and treatment of persons suffering from chronic renal diseases who require lifesaving care and treatment for such renal diseases but who ~~are unable~~ have insufficient financial resources available to pay for the services on a continuing basis."

Section 2. Section 53-6-202, MCA, is amended to read:

"53-6-202. Establishment of program. The department of social and rehabilitation services shall establish a program to provide treatment to eligible persons suffering from chronic renal diseases, including dialysis and other medical procedures and techniques, which will have a lifesaving effect in the care and treatment of such persons. The

~~department shall extend financial assistance to persons suffering from chronic renal diseases in obtaining the medical, nursing, pharmaceutical, and technical services necessary to care for such diseases, including the rental or purchase of home dialysis equipment and supplies. The department shall establish standards for determining eligibility for care and treatment under this program in order that treatment shall be provided to those who are financially unable to obtain such treatment without causing severe economic imbalance in the family economic unit. Such standards shall be established without reference to maximum or minimum income levels."~~

NEW SECTION. Section 3. Rules and criteria. (1) The

department shall adopt rules for determining the eligibility of persons for the chronic renal disease program and for establishing appropriate standards for program services.

(2) A person is not eligible for this program if the person has either adequate personal financial resources for treatment and care, including medical insurance coverage, or is currently eligible for any public program providing financial resources for medical needs.

(3) The department may not expend funds for program services over the amount of funds currently appropriated for the program.

Section 4. Codification instruction. Section 3 is

HB 0811/02

1 intended to be codified as an integral part of Title 53,  
2 chapter 6, part 2, and the provisions of Title 53, chapter  
3 6, part 2, apply to section 3.

-End-



## 1 STATEMENT OF INTENT

## 2 HOUSE BILL 811

## 3 House Appropriations Committee

4  
5 The Vocational Rehabilitation Division of the  
6 Department of Social and Rehabilitation Services administers  
7 the "renal disease treatment" program authorized by Title  
8 53, chapter 6, part 2, MCA. The department's authority to  
9 adopt rules for the program under the current statutory  
10 provisions is only implied. This legislation would grant  
11 express rulemaking authority to the department. By that  
12 authority the department could adopt rules controlling the  
13 eligibility of applicants and the nature of the renal  
14 medical services provided.

15 This legislation provides that eligibility would be  
16 predicated on actual need for the financial assistance.  
17 Those persons who have adequate financial resources, medical  
18 insurance coverage, or who are eligible for other public  
19 programs providing financial resources for medical needs  
20 would not be eligible for the benefits of this program. At  
21 the time the act was passed in 1975, other sources of  
22 financial assistance were limited in number and nature.  
23 Since that time the development and expansion of other  
24 programs has resulted in almost all recipients of service in  
25 this state-funded program being eligible for assistance from

1 the Federal Medical programs. The eligibility criteria added  
2 by this legislation will insure that the participants in the  
3 program are those who most deserve to benefit from the  
4 program.

5 This legislation in limiting expenditures to that  
6 appropriated currently for the program will insure that the  
7 state does not assume financial responsibilities beyond its  
8 capability to do so.

HOUSE BILL NO. 811

INTRODUCED BY LUND, COMMITTEE ON APPROPRIATIONS  
BY REQUEST OF THE HOUSE COMMITTEE ON APPROPRIATIONS

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR  
ELIGIBILITY CRITERIA FOR THE RENAL DISEASE TREATMENT PROGRAM  
AND GRANTING SPECIFIC RULEMAKING AUTHORITY FOR THE PROGRAM;  
AMENDING SECTIONS 53-6-201 AND 53-6-202, MCA."

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

Section 1. Section 53-6-201, MCA, is amended to read:

"53-6-201. Legislative intent. It is the intent of the legislature to insure the establishment of a program for the care and treatment of persons suffering from chronic renal diseases who require lifesaving care and treatment for such renal diseases but who ~~are unable~~ have insufficient financial resources available to pay for the services on a continuing basis."

Section 2. Section 53-6-202, MCA, is amended to read:

"53-6-202. Establishment of program. The department of social and rehabilitation services shall establish a program to provide treatment to eligible persons suffering from chronic renal diseases, including dialysis and other medical procedures and techniques, which will have a lifesaving effect in the care and treatment of such persons. The

~~department shall extend financial assistance to persons suffering from chronic renal diseases in obtaining the medical, nursing, pharmaceutical, and technical services necessary to care for such diseases, including the rental or purchase of home dialysis equipment and supplies. The department shall establish standards for determining eligibility for care and treatment under this program in order that treatment shall be provided to those who are financially unable to obtain such treatment without causing severe economic imbalance in the family economic unit. Such standards shall be established without reference to maximum or minimum income levels"~~

NEW SECTION. Section 3. Rules and criteria. (1) The department shall adopt rules for determining the eligibility of persons for the chronic renal disease program and for establishing appropriate standards for program services.

(2) A person is not eligible for this program if the person has either adequate personal financial resources for treatment and care, including medical insurance coverage, or is currently eligible for any public program providing financial resources for medical needs.

(3) The department may not expend funds for program services over the amount of funds currently appropriated for the program.

Section 4. Codification instruction. Section 3 is

HB 0811/02

- 1 intended to be codified as an integral part of Title 53,
- 2 chapter 6, part 2, and the provisions of Title 53, chapter
- 3 6, part 2, apply to section 3.

-End-

STATEMENT OF INTENT

HOUSE BILL 811

House Appropriations Committee

The Vocational Rehabilitation Division of the Department of Social and Rehabilitation Services administers the "renal disease treatment" program authorized by Title 53, chapter 6, part 2, MCA. The department's authority to adopt rules for the program under the current statutory provisions is only implied. This legislation would grant express rulemaking authority to the department. By that authority the department could adopt rules controlling the eligibility of applicants and the nature of the renal medical services provided.

This legislation provides that eligibility would be predicated on actual need for the financial assistance. Those persons who have adequate financial resources, medical insurance coverage, or who are eligible for other public programs providing financial resources for medical needs would not be eligible for the benefits of this program. At the time the act was passed in 1975, other sources of financial assistance were limited in number and nature. Since that time the development and expansion of other programs has resulted in almost all recipients of service in this state-funded program being eligible for assistance from

the Federal Medical programs. The eligibility criteria added by this legislation will insure that the participants in the program are those who most deserve to benefit from the program.

This legislation in limiting expenditures to that appropriated currently for the program will insure that the state does not assume financial responsibilities beyond its capability to do so.

HOUSE BILL NO. 811

INTRODUCED BY LUND, COMMITTEE ON APPROPRIATIONS

BY REQUEST OF THE HOUSE COMMITTEE ON APPROPRIATIONS

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR ELIGIBILITY CRITERIA FOR THE RENAL DISEASE TREATMENT PROGRAM; ~~AND GRANTING SPECIFIC RULEMAKING AUTHORITY FOR THE PROGRAM; AND PROVIDING THAT COVERAGE PROVIDED BY PUBLIC PROGRAMS SHALL BE ACCEPTED AS PAYMENT IN FULL BY HOSPITALS PROVIDING TREATMENT;~~ AMENDING SECTIONS 53-6-201 AND 53-6-202, MCA; AND PROVIDE AN EFFECTIVE DATE."

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

Section 1. Section 53-6-201, MCA, is amended to read:

"53-6-201. Legislative intent. It is the intent of the legislature to insure the establishment of a program for the care and treatment of persons suffering from chronic renal diseases who require lifesaving care and treatment for such renal diseases but who ~~are--unable~~ have insufficient financial resources available to pay for the services on a continuing basis."

Section 2. Section 53-6-202, MCA, is amended to read:

"53-6-202. Establishment of program. The department of social and rehabilitation services shall establish a program to provide treatment to eligible persons suffering from

chronic renal diseases, including dialysis and other medical procedures and techniques, which will have a lifesaving effect in the care and treatment of such persons. The department shall extend financial assistance to persons suffering from chronic renal diseases in obtaining the medical, nursing, pharmaceutical, and technical services necessary to care for such diseases, including the rental or purchase of home dialysis equipment and supplies. ~~The department---shall---establish---standards---for---determining eligibility-for-care-and-treatment--under--this--program--in order--that--treatment--shall--be--provided-to-those-who-are financially-unable-to-obtain-such-treatment-without--causing severe--economic-imbalance-in-the-family-economic-unit--Such standards-shall-be-established-without-reference-to--maximum or--minimum-income-levels.~~"

NEW SECTION. Section 3. Rules and criteria. (1) The department shall adopt rules for determining the eligibility of persons for the chronic renal disease program and for establishing appropriate standards for program services.

(2) A person is not eligible for this program if the person has either adequate personal financial resources for treatment and care, including medical insurance coverage, or is currently eligible for any public program providing financial resources for medical needs. HOSPITALS TREATING PERSONS FOR CHRONIC RENAL DISEASES, WHICH TREATMENT INCLUDES

1 DIALYSIS AS A PART THEREOF, SHALL, AS TO THOSE PATIENTS  
2 WHOSE CARE FOR SUCH TREATMENT IS PROVIDED DIRECTLY IN WHOLE  
3 OR IN PART BY PUBLIC FUNDS WHETHER SUPPLEMENTED BY ANY OTHER  
4 SOURCE INCLUDING INSURANCE, ACCEPT PAYMENTS FROM SUCH  
5 SOURCES AS FULL SATISFACTION FOR SERVICES PROVIDED FOR SUCH  
6 RENAL DISEASE TREATMENTS.

7 (3) The department may not expend funds for program  
8 services over the amount of funds currently appropriated for  
9 the program.

10 Section 4. Codification instruction. Section 3 is  
11 intended to be codified as an integral part of Title 53,  
12 chapter 6, part 2, and the provisions of Title 53, chapter  
13 6, part 2, apply to section 3.

14 SECTION 5. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON  
15 JULY 1, 1981.

-End-

March 16, 1981

SENATE STANDING COMMITTEE REPORT  
(Finance and Claims)

That House Bill No. 811 be amended as follows:

1. Line 8.

Following: "MCA"

Insert: "; AND PROVIDE AN EFFECTIVE DATE"

2. Page 3, line 3.

Following: line 3

Insert: "Section 5. Effective date. This act is effective on July 1,  
1981."

March 23, 1981

SENATE COMMITTEE OF THE WHOLE

Proposed amendments to House Bill 811, third reading copy, as follows:

1. Title, line 7.

Following: line 6.

Strike: "AND"

Insert: ";"

Following: "PROGRAM;"

Insert: "AND PROVIDING THAT COVERAGE PROVIDED BY  
PUBLIC PROGRAMS SHALL BE ACCEPTED AS PAYMENT IN  
FULL BY HOSPITALS PROVIDING TREATMENT;"

2. Page 2, line 21.

Following: "needs."

Insert: "Hospitals treating persons for chronic renal diseases, which treatment includes dialysis as a part thereof, shall, as to those patients whose care for such treatment is provided directly in whole or in part by public funds whether supplemented by any other source including insurance, accept payments from such sources as full satisfaction for services provided for such renal disease treatments."



March 26, 1981

SENATE COMMITTEE OF THE WHOLE

Proposed amendments to House Bill 811, reference copy, as follows:

1. Title, line 7.  
Following: "PROGRAM"  
Strike: ";"  
Insert: "AND"
2. Title, lines 8 through 10.  
Following: "PROGRAM;" on line 8.  
Strike: all language through "TREATMENT;" on line 10.
3. Page 2, line 8.  
Following: "supplies."  
Insert: "The department shall establish standards for determining eligibility for care and treatment under this program as determined in [section 3] in order that treatment may be provided to those who are financially unable to obtain such treatment without causing severe economic imbalance in the family economic unit."
4. Page 2, line 24 through page 3, line 9.  
Following: "needs." on line 24.  
Strike: the remainder of section 3.