

SENATE BILL NO. 49

INTRODUCED BY ECK

IN THE SENATE

January 5, 1981	Introduced and referred to Committee on Business and Industry.
February 13, 1981	Committee recommend bill do pass as amended. Report adopted.
February 14, 1981	Bill printed and placed on members' desks.
February 16, 1981	Second reading, do pass.
February 17, 1981	Correctly engrossed.
February 18, 1981	Third reading, passed. Ayes, 38; Noes, 10. Transmitted to House.

IN THE HOUSE

February 19, 1981	Introduced and referred to Committee on Business and Industry.
March 11, 1981	Committee recommend bill be concurred in. Report adopted.
March 12, 1981	Motion pass consideration to the 56th legislative day.
March 14, 1981	Second reading, concurred in.
March 17, 1981	Third reading, concurred in. Ayes, 69; Noes, 27.

IN THE SENATE

March 18, 1981	Returned from House. Concurred in. Sent to enrolling.
March 20, 1981	Correctly enrolled.

March 20, 1981	Signed by President.
March 21, 1981	Delivered to Governor.
March 27, 1981	Returned from Governor with recommended amendments.
April 3, 1981	Second reading, Governor's amendments concurred in.
April 6, 1981	Third reading, Governor's amendments concurred in. Ayes, 47; Noses, 1. Transmitted to House.

IN THE HOUSE

April 17, 1981	Second reading, Governor's amendments concurred in. On motion rules suspended and Governor's amendments placed on third reading this day. Third reading, Governor's amendments concurred in. Ayes, 86; Noses, 8.
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IN THE SENATE

April 20, 1981	Returned from House. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1 SENATE BILL NO. 49
2 INTRODUCED BY ECK
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT
5 INSURERS AND HEALTH SERVICE CORPORATIONS TRANSACTING HEALTH
6 INSURANCE IN THIS STATE OFFER AN OPTION FOR HOME HEALTH CARE
7 UNDER HOSPITAL AND MEDICAL SERVICES POLICIES AND CONTRACTS."
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 Section 1. Definition of home health care. "Home health
11 care" means services provided by a licensed home health
12 agency to an insured in his place of residence that is
13 prescribed by the insured's attending physician as part of a
14 written plan of care. Services provided by home health care
15 include:
16 (1) nursing;
17 (2) home health aide services;
18 (3) physical therapy;
19 (4) occupational therapy;
20 (5) speech therapy;
21 (6) hospice service;
22 (7) medical supplies and equipment suitable for use in
23 the home; and
24 (8) medically necessary personal hygiene, grooming, and
25 dietary assistance.

1 Section 2. Availability of coverage for home health
2 care. Insurers and health services corporations transacting
3 health insurance business in this state must make available,
4 under hospital and medical expenses incurred insurance
5 policies and under hospital and medical service plan
6 contracts, the level of benefits specified in [section 3]
7 for home health care subject to the right of the applicant
8 for a group or individual policy or contract to reject the
9 coverage or to select any alternative level of benefits as
10 may be offered by the insurer or service plan corporation.
11 Section 3. Level of benefits. The level of home health
12 care benefits under hospital and major medical policies or
13 contracts shall consist of dollar limits, deductibles, and
14 coinsurance factors that are not less favorable than for
15 inpatient hospital benefits generally. Durational limits
16 shall be extended beyond inpatient hospital limits for home
17 health care so that on an expense outlay basis by the
18 insurer the durational limits for home health care are
19 generally as favorable as inpatient hospital durational
20 limits.
21 Section 4. Applicability. [This act] applies to
22 policies or contracts delivered or issued for delivery in
23 this state after [120 days after the effective date of this
24 act] but does not apply to blanket or individual conversion
25 policies or contracts.

1 Section 5. Codification instruction. This act is
2 intended to be codified as an integral part of Title 33, and
3 the provisions of Title 33 apply to this act.

-End-

Approved by Committee
on Business and Industry

1 Section 2. Availability of coverage for home health
2 care. Insurers and health services corporations transacting
3 health insurance business in this state must make available,
4 under hospital and medical expenses incurred UNDER GROUP
5 insurance policies and under GROUP hospital and medical
6 service plan contracts, the-level-of benefits specified--in
7 {section-3} for home health care subject-to-the-right-of-the
8 applicant, APPLICANTS for a group or-individual policy or
9 contract to--reject--the--coverage--or--to MAY select any
10 alternative level of benefits as may be offered by the
11 insurer or service plan corporation.

12 Section 3--level--of--benefits---the--level--of--home
13 health--care--benefits--under--hospital--and--major--medical
14 policies--or--contracts--shall--consist--of--dollar--limits,
15 deductibles--and--coinsurance--factors--that--are--not--less
16 favorable--than--for--inpatient--hospital--benefits--generally.
17 Durational--limits--shall--be--extended--beyond--inpatient
18 hospital--limits--for--home--health--care--so--that--on--an--expense
19 outlay--basis--by--the--insurer--the--durational--limits--for--home
20 health--care--are--generally--as--favorable--as--inpatient--hospital
21 durational--limits.

22 Section 3. Applicability. [This act] applies to
23 policies or contracts delivered or issued for delivery in
24 this state after [120 days after the effective date of this
25 act] but does not apply to blanket, SHORT TERM TRAVEL,

1 ACCIDENT ONLY, LIMITED OR SPECIFIED DISEASE, OR individual
2 conversion policies or contracts, OR TO POLICIES OR
3 CONTRACTS DESIGNED FOR COVERAGE UNDER TITLE XVIII OF THE
4 SOCIAL SECURITY ACT, KNOWN AS MEDICARE, OR ANY OTHER SIMILAR
5 COVERAGE UNDER FEDERAL GOVERNMENTAL PLANS.

6 Section 4. Codification instruction. This act is
7 intended to be codified as an integral part of Title 33, and
8 the provisions of Title 33 apply to this act.

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- 23 the home; and
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- 25 and dietary assistance.

12 Section 3--level--of--benefits---the--level--of--home
13 health--care--benefits--under--hospital--and--major--medical
14 policies--or--contracts--shall--consist--of--doctor--limits,
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19 outlay--basis--by--the--insurer--the--durational--limits--for--home
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8 applicant-applicant for a group or-individual policy or
9 contract to-reject-the-coverage-or-to MAY select any
10 alternative level of benefits as may be offered by the
11 insurer or service plan corporation.

12 Section-3--level--of--benefits---the--level--of--home
13 health--care--benefits--under--hospital--and--major--medical
14 policies--or--contracts--shall--consist--of--dollar--limits
15 deductibles--and--coinsurance--factors--that--are--not--less
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17 Durational--limits--shall--be--extended--beyond--inpatient
18 hospital--limits--for--home--health--care--so--that--an--expense
19 outlay--basis--by--the--insurer--the--duration--limits--for--home
20 health--care--are--generally--as--favorable--as--inpatient--hospital
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2 CONVERSION POLICIES OR CONTRACTS, OR TO POLICIES OR
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March 26, 1981

PROPOSED GOVERNOR'S AMENDMENTS TO SENATE BILL NO. 49;
PROPOSED REFERENCE COPY, AS FOLLOWS:

1. Page 2, line 4
Following: Line 3
Delete: "under hospital and medical expenses incurred"

State of Montana
Office of the Governor
Helena 59620

TED SCHWINDEN
GOVERNOR

March 26, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill No. 49, "AN ACT TO REQUIRE THAT INSURERS AND HEALTH SERVICE CORPORATIONS TRANSACTING HEALTH INSURANCE IN THIS STATE OFFER AN OPTION FOR HOME HEALTH CARE UNDER HOSPITAL AND MEDICAL SERVICES POLICIES AND CONTRACTS," without my signature and recommend the attached amendment.

In the introduced bill the phrase "hospital and medical expenses incurred insurance policies" was used in Section 2 to describe one type of policy which would come within the coverage of the act. During the legislative process the section was amended in such a way that the intended function of the phrase as a discrete modifying unit was destroyed, rendering continued use of the phrase superfluous and confusing.

The proposed amendment eliminates the unnecessary language and confusion and emphasizes the expressed intention that the act apply to group plans.

I urge your concurrence in this amendment.

Sincerely,



TED SCHWINDEN
Governor