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. Pebruary 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. Second reading, concurred in. March 14, 1981 March 17, 1981 Third reading, concurred in. Ayes, 69; Noes, 27. IN THE SENATE

March 18, 1981 March 20, 1981 Returned from House. Concurred in. Sent to enrolling. 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; Noes, 1. Transmitted to House.

IN THE ROUSE

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; Noss, 8.

IN THE SENATE

April 20, 1981

Returned from House. Concurred in. Sent to enrolling.

Reported correctly enrolled.

LC 0383/01

LC 0383/01

SENATE BILL NO. 49 1 INTRODUCED BY ____ECK Z 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT 4 INSURERS AND HEALTH SERVICE CORPORATIONS TRANSACTING HEALTH 5 INSURANCE IN THIS STATE OFFER AN OPTION FOR HOME HEALTH CARE 6 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^m means services provided by a licensed home health agency to an insured in his place of residence that is 12 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; (2) home health aide services; 17 18 (3) physical therapy; (4) occupational therapy; 19 20 (5) speech therapy; 21 (6) hospice service: 22 (7) medical supplies and equipment suitable for use in the home: and 23 (8) medically necessary personal hygiene, grooming, and 24 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 contracts, the level of benefits specified in [section 3] 6 7 for home health care subject to the right of the applicant 8 for a group or individual policy or contract to reject the coverage or to select any alternative level of benefits as 9 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 coinsurance factors that are not less favorable than for 14 15 inpatient hospital benefits generally. Ourational limits 16 shall be extended beyond inpatient hospital limits for home health care so that on an expense outlay basis by the 17 18 insurer the durational limits for home health care are generally as favorable as inpatient hospital durational 19 limits. 20 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.

INTRODUCED BILL 5849

LC 0383/01

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Section 5. Codification instruction. This act is
 intended to be codified as an integral part of Title 33, and

3 the provisions of Title 33 apply to this act.

-End-

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47th Legislature

SB 0049/02

Approved by Committee on <u>Business and Industry</u>

1	SENATE BILL NO. 49	1	Section 2. Availability of coverage for home health
2	INTRODUCED BY ECK	2	care. Insurers and health services corporations transacting
3		3	health insurance business in this state must make available,
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT	4	under hospital and medical expenses incurred <u>UNDER_GROUP</u>
5	INSURERS AND HEALTH SERVICE CORPORATIONS TRANSACTING HEALTH	5	insurance policies and under <u>GROUP</u> hospital and medical
6	INSURANCE IN THIS STATE OFFER AN OPTION FOR HOME HEALTH CARE	6	service plan contracts, the-level-of benefits specifiedin
7	UNDER HOSPITAL AND MEDICAL SERVICES POLICIES AND CONTRACTS."	7	[section-3] for home health care subject-to-the-right-of-the
8		8	applicant. <u>APPLICANIS</u> for a group or-individual policy or
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	9	contract torejectthecoverageorto <u>MAY</u> select any
10	Section 1. Definition of home health care. "Home	10	alternative level of benefits as may be offered by the
11	health care" means services provided by a licensed home	11	insurer or service plan corporation.
12	health agency to an insured in his place of residence that	12	Section-3+Levelofbenefits+Thelevelofhome
13	is prescribed by the insured's attending physician as part	13	healthcarebenefitsunderhospitalandmajormedical
14	of a written plan of care. Services provided by home health	14	policiesorcontractsshallconsistofdollarlimits,
15	care include:	15	deductiblesyandcoinsurancefactorsthatarenot-less
16	(1) nursing;	16	favorable-than-for-inpatienthospitalbenefitsgenerally.
17	(2) home health aide services;	17	Burationallimitsshallbeextendedbeyondinpatient
18	(3) physical therapy;	18	hospital-limits-for-home-health-care-so-that-onanexpense
19	(4) occupational therapy;	19	outlaybasisby-the-insurer-the-durational-limits-for-home
20	(5) speech therapy;	20	hea lth-care-are-generally-as-favorable-as-inpatient-hospital
21	(6) hospice service;	21	durational-limits.
22	(7) medical supplies and equipment suitable for use in	22	Section 3. Applicability. [This act] applies to
23	the home; and	23	policies or contracts delivered or issued for delivery in
24	(8) medically necessary personal hygiene, grooming,	24	this state after [120 days after the effective date of this
25	and dietary assistance.	25	act] but does not apply to blanket <u>, SHORT_TERM_TRAVEL</u> ,

-2-SB 49 SECOND READING

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ACCIDENT_ONLY, LIMITED_OR_SPECIFIED_DISEASE, or individual
 conversion policies or contracts, <u>OR_IO_POLICIES_OR</u>
 <u>CONTRACTS_DESIGNED_FOR_COVERAGE_UNDER_TITLE_XVIII_OF_THE</u>
 <u>SQCIAL_SECURITY_ACT, KNOWN_AS_MEDICARE, OR_ANY_OTHER_SIMILAR</u>
 <u>COVERAGE_UNDER_FEDERAL_GOVERNMENTAL_PLANS</u>.
 Section 4. Codification instruction. This act is
 intended to be codified as an integral part of Title 33, and

8 the provisions of Title 33 apply to this act.

-End-

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1	SENATE BILL NO. 49	1	Section 2. Availability of coverage for home health
2	INTRODUCED BY ECK	2	care. Insurers and health services corporations transacting
3		3	health insurance business in this state must make available,
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT	4	under hospital and medical expenses incurred <u>UNDER_GROUP</u>
5	INSURERS AND HEALTH SERVICE CORPORATIONS TRANSACTING HEALTH	5	insurance policies and under <u>GROUP</u> hospital and medical
6	INSURANCE IN THIS STATE OFFER AN OPTION FOR HOME HEALTH CARE	6	service plan contracts, the-level-of benefits specifiedin
7	UNDER HOSPITAL AND MEDICAL SERVICES POLICIES AND CONTRACTS."	7	[section-3] for home health care subject-to-the-right-of-the
8		8	applicant. <u>APPLICANIS</u> for a group or-individual policy or
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	9	contract torejectthecoverageorto <u>NAY</u> select any
10	Section 1. Definition of home health care. *Home	10	alternative level of benefits as may be offered by the
11	health care" means services provided by a licensed home	11	insurer or service plan corporation.
12	health agency to an insured in his place of residence that	12	Section-3+Levelofbenefits+Thelevelofhome
13	is prescribed by the insured's attending physician as part	13	healthcarebenefitsunderhospitalandmajormedical
14	of a written plan of care. Services provided by home health	14	policiesorcontractsshallconsistofdollarlimitsy
15	care include:	15	deductiblesvandcoinsurancefactorsthatarenot-less
16	(1) nursing;	16	favorable-than-for-inpatienthospitalbenefitsgenerally=
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19	(4) occupational therapy;	19	outlaybasisby-the-insurer-the-durational-limits-for-home
20	(5) speech therapy;	20	health-care-are-generally-as-favorable-as-inpatient-hospital
21	(6) hospice service;	21	durational-limits.
22	(7) medical supplies and equipment suitable for use in	22	Section 3. Applicability. [This act] applies to
23	the home; and	23	policies or contracts delivered or issued for delivery in
24	(8) medically necessary personal hygiene, grooming,	24	this state after [120 days after the effective date of this
25	and dietary assistance.	25	act] but does not apply to blanket <u>, SHORT_TERM_TRAVEL</u> ,

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THIRD READING

SB 49

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1	ACCIDENT UNLIF LIMITED UK_SPECIFIED DISEASES OF INSTAIDUAT
2	conversion policies or contracts <u>OR_TOPOLICIESOR</u>
3	CONTRACTS DESIGNED FOR COVERAGE UNDER TITLE XVIII DF 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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-End-

SB 49

SR 0049702

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SENATE BILL NO. 49 1 Section 2. Availability of coverage for home health 1 2 care. Insurers and health services corporations transacting 2 INTRODUCED BY ECK 3 3 health insurance business in this state must make available. A SILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT under hospital and medical expenses incurred UNDER GROUP 4 4 INSURERS AND HEALTH SERVICE CORPORATIONS TRANSACTING HEALTH 5 5 insurance policies and under GROUP hospital and medical INSURANCE IN THIS STATE OFFER AN OPTION FOR HOME HEALTH CARE service plan contracts, the-level-of benefits specified--in 6 6 7 UNDER HOSPITAL AND MEDICAL SERVICES POLICIES AND CONTRACTS." 7 [section=3] for home health care subject-to-the-right-of-the 8 applicant. APPLICANTS for a group or-individual policy or 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 contract to--reject--the--coverage--or--to MAY select any 10 atternative level of benefits as may be offered by the 10 Section 1. Definition of home health care. "Home 11 insurer or service plan corporation. 11 health care" means services provided by a licensed home 12 health agency to an insured in his place of residence that Section-3*--Level--of--benefits*---The--level--of--home 12 is prescribed by the insured's attending physician as part 13 health--care--benefits--under--hospital--and--major--medical 13 policies--or--contracts--shall--consist--of--dollar--limitsy 14 of a written plan of care. Services provided by home health 14 15 deductiblesy--and--coinsurance--factors--that--are--not-less 15 care include: favorable-than-for-inpatient--hospital--benefits--generally. 16 16 (1) nursing; Burational---limits---shall--be--extended--beyond--inpatient 17 17 (2) home health aide services; 18 hospital-limits-for-home-health-care-so-that-on--an--expense 18 physical therapy; 131 19 outlay--basis--by-the-insurer-the-durational-limits-for-home 19 (4) occupational therapy; 20 health-care-are-generally-as-favorable-as-inpatient-hospital 20 (5) speech therapy; 21 durational-limits. 21 (6) hospice service; 22 Section 3. Applicability. [This act] applies to 22 medical supplies and equipment suitable for use in (7) 23 policies or contracts delivered or issued for delivery in 23 the home; and 24 this state after [120 days after the effective date of this Z4 (8) medically necessary personal hygiene, grooming, 25 25 act] but does not apply to blanket, SHORI TERM TRAVEL, and dietary assistance.

SB 49

REFERENCE BILL

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1	ACCIDENT ONLY, LIMITED OR SPECIFIED DISEASE,	or	individual

2 conversion policies or contracts<u>i OR TO POLICIES OR</u>

3 CONTRACTS DESIGNED FOR COVERAGE UNDER TITLE XVIII OF THE

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SB 49

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25	and dietary assistance.	25	act} but does not apply to blanket <u>, SHORT_TERM_TRAVEL</u> ;

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REFERENCE BILL: INCLUDES GOVERNOR'S AMENDMENTS DATED 3-26-81

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- 1 ACCIDENT ONLY, LIMITED OR SPECIFIED DISEASE, or individual
- 2 conversion policies or contracts, OR TO POLICIES OR
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- 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.

-End-

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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 39620

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 HOS-PITAL 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, tes blume

TED SCHWINDEN Governor