

SENATE BILL NO. 411

INTRODUCED BY HIMSL, S. BROWN

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

IN THE SENATE

February 9, 1981	Introduced and referred to Committee on Judiciary.
February 14, 1981	Committee recommend bill do pass. Report adopted.
February 16, 1981	Bill printed and placed on members' desks.
February 17, 1981	Second reading, do pass.
February 18, 1981	Correctly engrossed.
February 19, 1981	Third reading, passed. Ayes, 46; Noes, 1. Transmitted to House.

IN THE HOUSE

February 20, 1981	Introduced and referred to Committee on Human Services.
March 26, 1981	Committee recommend bill be concurred in. Report adopted.
March 28, 1981	Second reading, concurred in.
March 30, 1981	On motion rules suspended and bill allowed to be transmitted on 71st legislative day. Motion adopted.
March 31, 1981	Third reading, concurred in. Ayes, 98; Noes, 0.

IN THE SENATE

April 1, 1981	Returned from House. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1 *Steve* BILL NO. *411*
 2 INTRODUCED BY *Steve Brown*
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5 A BILL FOR AN ACT ENTITLED: "AN ACT TO DELETE THE
 6 REQUIREMENT THAT SERVICES FOR MEDICAL AID AND
 7 HOSPITALIZATION FURNISHED BY A COUNTY TO INDIGENTS BE
 8 APPROVED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL
 9 SCIENCES AND PRIVATE ASSOCIATIONS; AMENDING SECTION
 10 53-3-103, MCA."
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12 WHEREAS, during its sunset review of medical licensing
 13 boards the Legislative Audit Committee noted that services
 14 for medical aid and hospitalization furnished by a county to
 15 indigents must be approved by the Department of Health and
 16 Environmental Sciences and private associations; and

17 WHEREAS, this gives the Department of Health and
 18 Environmental Sciences and private associations a veto power
 19 over a county's choice of services; and

20 WHEREAS, the law provides that services for medical aid
 21 and hospitalization provided by counties must be furnished
 22 by licensed practitioners.

23 THEREFORE, it is the intent of this act to delete the
 24 requirement that services for medical aid and
 25 hospitalization furnished indigents by the counties be

1 approved by the Department of Health and Environmental
 2 Sciences and private associations.
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4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

5 Section 1. Section 53-3-103, MCA, is amended to read:
 6 "53-3-103. Medical aid and hospitalization for
 7 indigent. (1) Except as provided in other parts of this
 8 title, medical aid and hospitalization for county residents
 9 and nonresidents within the county unable to provide these
 10 necessities for themselves are the legal and financial
 11 responsibility of the county commissioners and are payable
 12 from the county poor fund. The county commissioners shall
 13 make provisions for competent and skilled medical or
 14 surgical services ~~as are approved by the department of~~
 15 ~~health and environmental sciences or the state medical~~
 16 ~~association or in the case of osteopathic practitioners by~~
 17 ~~the state osteopathic association or in the case of~~
 18 ~~chiropractors by the state chiropractic association or in~~
 19 ~~the case of optometrical services by the Montana optometric~~
 20 ~~association or in the case of dental services by the~~
 21 ~~dental association.~~ "Medical" or "medicine" as used in this
 22 section refers to the healing art as practiced by licensed
 23 practitioners.

24 (2) The board, in arranging for medical care for those
 25 unable to provide it for themselves, may have the care

1 provided by physicians appointed by the board who shall be
 2 known as county physicians or deputy county physicians and
 3 may fix a rate of compensation for the furnishing of the
 4 medical attendance.

5 (3) The department may promulgate rules to determine
 6 under what circumstances persons in the county are unable to
 7 provide medical aid and hospitalization for themselves,
 8 including the power to define the term "medically needy".
 9 However, the definition may not allow payment by a county
 10 for general assistance--medical for persons whose income
 11 exceeds 300% of the limitation for obtaining regular county
 12 general relief assistance or for persons who are eligible
 13 for medicaid in accordance with Title 53, chapter 6, part 1,
 14 or for persons who have the right or are entitled to medical
 15 aid and hospitalization from the federal government or any
 16 agency thereof.

17 (4) In any case where the county or state pays medical
 18 expenses or hospitalization for an individual, the county or
 19 state is subrogated to the claims of the physician or
 20 hospital to the extent of payment. To the extent necessary
 21 for reimbursement of medical benefits paid to or on behalf
 22 of an individual, the county or state is subrogated to the
 23 rights of the individual to recover from a third party who
 24 may be liable to pay the medical expenses. The provisions of
 25 53-2-612 which relate to medical benefits provided under

1 Title XIX or XX of the Social Security Act apply to medical
 2 benefits provided for in this section."

-End-

Approved by Committee on Judiciary

1 INTRODUCTION BY James Brown BILL NO. 411
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3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

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SB 411

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TRINE BROWN
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