

SENATE BILL NO. 190

INTRODUCED BY HIMSL

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

IN THE SENATE

January 18, 1983	Introduced and referred to Committee on State Administration.
January 19, 1983	Fiscal Note requested.
January 24, 1983	Fiscal Note returned.
February 16, 1983	Committee recommend bill do pass as amended. Report adopted.
February 17, 1983	Bill printed and placed on members' desks.
February 18, 1983	Second reading, do pass.
February 19, 1983	Correctly engrossed.
February 21, 1983	Third reading, passed. Ayes, 49; Noes, 0. Transmitted to House.

IN THE HOUSE

March 1, 1983	Introduced and referred to Committee on Appropriations.
April 7, 1983	Committee recommend bill be concurred in. Report adopted.
April 8, 1983	Second reading, concurred in.
April 11, 1983	Third reading, concurred in.

IN THE SENATE

April 12, 1983

Returned to Senate. Sent to
enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. 190
2 INTRODUCED BY *Shinal*
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5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
6 REIMBURSEMENT LAWS OF THE DEPARTMENT OF INSTITUTIONS;
7 AMENDING SECTIONS 53-1-401, 53-1-404, 53-1-409, AND
8 53-1-413, MCA."
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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 53-1-401, MCA, is amended to read:
12 "53-1-401. Definitions. As used in this part, unless
13 the context requires otherwise, the following definitions
14 apply:

15 (1) "Ancillary charge" means identifiable, direct,
16 resident service expenses as budgeted, including but not
17 limited to operating room, anesthesia, x-ray, laboratory,
18 blood bank, oxygen therapy, physical therapy, medical
19 supply, drug, and specialized medical equipment expenses.

20 (2) "Care" means the care, treatment, support,
21 maintenance, and other services rendered by the department
22 to a resident.

23 (3) "Department" means the department of institutions
24 provided for in Title 2, chapter 15, part 23.

25 (4) "Financially responsible person" means a spouse of

1 a resident, the natural or adoptive parents of a resident
2 under 18 years of age, or a guardian or conservator to the
3 extent of the guardian's or conservator's responsibility for
4 the financial affairs of the person who is a resident under
5 applicable Montana law establishing the duties and
6 limitations of guardianships or conservatorships.

7 (5) "Full-time equivalent resident load" means the
8 total daily resident count for the fiscal year divided by
9 the number of days in the year.

10 (6) "Long-term resident" means a resident in an
11 institution listed in 53-1-402 for a continuous period in
12 excess of 120 days. No absence of a resident from the
13 institution due to a temporary or trial visit may be counted
14 as interrupting the accrual of the 120 days required to
15 attain the status of a long-term resident.

16 (7) "Per diem" means the gross daily cost of operating
17 an institution as budgeted, including depreciation and
18 associated department costs but excluding the cost of
19 educational programs, federal grants, and ancillary charges,
20 ~~divided by the full-time equivalent resident load. However,~~
21 ~~a schedule of differing per diem charges may be computed,~~
22 ~~including a schedule of charges for residents treated on an~~
23 ~~outpatient basis, for each program established or funded by~~
24 ~~the legislature and assigned to an institution listed in~~
25 53-1-402 and costs not directly identified with patient

1 care.

2 (8) "Resident" means any person who is receiving care
3 from or who is a resident of an institution listed in
4 53-1-402.

5 (9) "Short-term resident" means a resident of an
6 institution listed in 53-1-402 who is admitted for treatment
7 or rehabilitation, or both, in a special program the
8 duration of which is limited to 120 days or less.

9 (10) "Third-party resource" means but is not limited to
10 applicable medicare, medicaid, and personal health care
11 benefits."

12 Section 2. Section 53-1-404, MCA, is amended to read:

13 "53-1-404. When per diem to be computed. The per diem
14 shall be computed on July 1 of each year by the department.
15 If the budgeted costs of an institution change substantially
16 within the fiscal year, the per diem may be adjusted to
17 compensate for those changes."

18 Section 3. Section 53-1-409, MCA, is amended to read:

19 "53-1-409. Liability of resident or responsible person
20 for assessed charges. (1) The resident or financially
21 responsible person is liable only for the per diem and
22 ancillary charges which the department has assessed and
23 billed the resident or financially responsible person. If
24 amounts assessed and billed are retroactively reduced
25 because of a new determination of ability to pay, the

1 resident or financially responsible person is liable only
2 for the reduced amount for the period of time covered by the
3 retroactive reduction.

4 (2) The natural or adoptive parents of long-term
5 residents are liable only for the charges made by the
6 department for care in an amount not to exceed the cost of
7 caring for a normal child at home as determined from
8 standard sources by the department.

9 (3) Natural or adoptive parents of a long-term
10 resident are not liable for any charges made by the
11 department for care of a long-term resident incurred or
12 accrued subsequent to the resident attaining age 18.

13 (4) (a) No resident or financially responsible person
14 is financially liable for care provided to a resident under
15 any provision of a criminal statute.

16 (b) Subsection (4)(a) does not apply to a person who
17 is enrolled in the Galen state hospital alcohol program."

18 Section 4. Section 53-1-413, MCA, is amended to read:

19 "53-1-413. Deposit of payments. (1) Except as provided
20 in subsection (2), the The department shall deposit payments
21 of per diem and ancillary charges in the state treasury to
22 the credit of the general fund.

23 (2) Payments from the Montana Veterans' home shall be
24 deposited in a federal and private revenue fund account for
25 the benefit of the home, and payments from the Galen state

LC 0918/01

- 1 hospital alcohol program shall be deposited to an alcohol
- 2 searmarked revenue fund account."

-End-

STATE OF MONTANA

REQUEST NO. 144-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 19, , 19 83 , there is hereby submitted a Fiscal Note for Senate Bill 190 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:

Senate Bill 190 revises the reimbursement laws of the Department of Institutions.

ASSUMPTIONS:

- 1) Assume FY 82 as the base.
- 2) Use 5% per year infaltion.

FISCAL IMPACT:

	<u>FY 84</u>	<u>FY 85</u>
General Fund	\$(202,928)	\$(213,074)
Alcohol Earmarked	<u>212,743</u>	<u>223,381</u>
Net Increase In Revenue	<u>\$ 9,815</u>	<u>\$ 10,307</u>

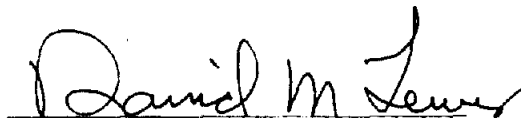
COMMENTS:

The amendment to 53-1-404 could have a fiscal impact if the program was in a supplemental situation or was expecting a substantial reversion.

Depositing reimbursement revenue into the Alcohol Earmarked Revenue Fund instead of the general fund as shown in the FISCAL IMPACT would return the revenues to the fund that bears the expense of the Alcoholism Treatment. The 1984-85 biennium Executive Budget fully funds the Alcohol Program at Galen from the Alcohol Earmarked Fund.

The passage of this legislation would allow for reimbursement from committments to the Galen Alcohol program under the Criminal Codes. Present statutes preclude reimbursement for committments under the criminal code. The net increase in revenue is a result of this change.

FISCAL NOTE 6:F/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-24-83

Approved by Committee
on State Administration

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22 to a resident.
23 (3) "Department" means the department of institutions
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25 (4) "Financially responsible person" means a spouse of

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22 ~~resource~~ the full per diem charge, a proportionate share of
23 the per diem charge, or no per diem charge, plus full
24 ancillary charge, a proportionate share of the ancillary
25 charge, or no ancillary charge based upon financial

1 information given to the department during its investigation
2 conducted according to the rules of the department.

3 (2) An assessment made by the department under this
4 section shall be based on the resident's or financially
5 responsible person's ability to pay. The department shall
6 prescribe rules which establish criteria and a procedure for
7 determining ability to pay. The department may not make an
8 assessment which would place an undue financial burden on
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16 amounts assessed and billed are retroactively reduced
17 because of a new determination of ability to pay, the
18 resident or financially responsible person is liable only
19 for the reduced amount for the period of time covered by the
20 retroactive reduction.

21 (2) The natural or adoptive parents of long-term
22 residents are liable only for the charges made by the
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3 department for care of a long-term resident incurred or
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6 is financially liable for care provided to a resident under
7 any provision of a criminal statute.

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9 ~~is enrolled in the Galen state hospital alcohol program."~~

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information given to the department during its investigation conducted according to the rules of the department.

(2) An assessment made by the department under this section shall be based on the resident's or financially responsible person's ability to pay. The department shall prescribe rules which establish criteria and a procedure for determining ability to pay. The department may not make an assessment which would place an undue financial burden on the resident or the financially responsible person."

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