# SENATE BILL NO. 418

# INTRODUCED BY JACOBSON, REGAN, TURNAGE, KEENAN, LYNCH, WALDRON

# IN THE SENATE

15,	1983	Introduced and referred to Committee on Public Health, Welfare and Safety.
18,	1983	Committee recommand bill do pass as amended. Report adopted.
		Statement of Intent attached.
21,	1983	Bill printed and placed on members' desks.
22,	1983	Second reading, do pass.
		Correctly engrossed.
23,	1983	Third reading, passed. Ayes, 47; Noes, 2. Transmitted to House.
	13, 21, 22,	15, 1983 18, 1983 21, 1983 22, 1983 23, 1983

### IN THE HOUSE

February 28, 1983	Introduced and referred to Committee on Human Services.
March 17, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 21, 1983	Second reading, concurred in.

## IN THE SENATE

March 23, 1983

March 22, 1983

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Returned to Senate with amendments.

Third reading, concurred in.

April 4, 1983	Second reading, amendments concurred in.
April 5, 1983	Third reading, amendments concurred in. Ayes, 48; Noes, 0.
	Sent to enrolling.
April 8, 1983	Correctly enrolled.
	Signed by President.
	Signed by Speaker.
April 9, 1983	Delivered to Governor.
April 15, 1983	Returned from Governor with recommended amendments.
April 20, 1983	Second reading, Governor's amondments concurred in.
April 21, 1983	Third reading, Governor's amendments concurred in.
IN THE H	OUSE
April 21, 1983	Governor's amendments transmitted to House.
	Second reading, Governor's amendments concurred in.
	Third reading, Governor's amendments concurred in.
April 21, 1983	Returned to Senate. Sent to enrolling.
	Reported correctly enrolled.

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LC 0613/01

BILL NO. #18 1 INTRODUCED BY 2 Keenan Li 3 A BILL FOR AN ACT ENTITLED: 4 **"AN ACT REPEALING** 5 ADMINISTRATIVE RULES OF THE DEPARTMENT OF SUCIAL AND 6 REHABILITATION SERVICES IMPLEMENTING THE CHRONIC OR 7 END-STAGE RENAL DISEASE TREATMENT PROGRAM AND CLARIFYING 8 EXISTING RULEMAKING AUTHORITY FOR THOSE RULES: AMENDING 9 SECTION 53-6-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." 10

11

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 13 <u>NEW\_SECTION</u> Section 1. Renal program rules repealed. 14 The rules adopted by the department of social and 15 rehabilitation services governing the end-stage renal 16 program published in the Administrative Rules of Montana as 17 ARM 46.16.101 through 46.16.103, 46.16.105, 46.16.106, 18 46.16.108, 46.16.110, and 46.16.115 are repealed.

19 Section 2. Section 53-6-202. MCA. is amended to read: "53-6-202. Establishment 20 of program. (1) The 21 department of social and rehabilitation services shall 22 establish a program to provide treatment to persons 23 suffering from chronic renal diseases, including dialysis 24 and other medical procedures and techniques, which will have 25 a lifesaving effect in the care and treatment of such persons. The department shall extend financial assistance to all 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.

7 12] The department shall by rule establish standards for datermining eligibility-for-care-and-treatment the я amount or duration of financial assistance to be extended to 9 10 individuals under this program in order that treatment shall be provided to those who are financially unable to obtain 11 12 such--treatment services without causing severe economic imbalance in the family economic unit. Such standards shall 13 14 be established without reference to maximum or minimum 15 income levels but must be based upon the economic imbalance 16 caused by chronic renal diseases regardless of the amount of 17 income\_earned. 18 (3) The department is not liable to any person for a

19 failure\_to\_provide\_financial\_assistance\_to\_that\_person\_under
20 this\_section\_if\_sufficient\_funds\_are\_not\_appropriated\_by\_the

### 21 legislature."

22NEN\_SECTION.Section 3. Effective date. This act is23effective on passage and approval.

-End-

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1	STATEMENT OF INTENT
2	SENATE BILL 418
3	Senate Public Health, Welfare and Safety Committee
4	
5	The Department of Social and Rehabilitation Services is
6	currently required to adopt rules to implement a program of
7	financial assistance for chronic renal diseased patients by
8	rule. The Legislature considers it to be appropriate to
9	provide guidance for the Department of Health and
10	Environmental Sciences after transfer of this program.
11	It is the express intent of the Legislature that some
12	financial assistance for treatment of chronic renal diseases
13	be available to persons with end-stage renal diseases. The
14	amount of money provided must be dependent upon the effect
15	that would be caused to the economic stability of the family
16	if the diseased person and his family were to assume all of
17	the expenses of treatment itself. Under the bill, the
18	Department must examine not the "absolute" income levels of
19	the person needing treatment and his family, but the degree
20	to which that level of income, whatever it may be, would be
21	affected by treatment expenses. For these purposes, the
22	Legislature intends that the Department not involve itself
23	in major subjective judgments as to the ability of a patient
24	and his family to do without property or services which they
25	consider essential.

SECOND READING

### Approved by Committee on Public Health, Welfare & Safety

1	SENATE BILL NO. 418
2	INTRODUCED BY JACOBSON, REGAN,
3	TURNAGE, KEENAN, LYNCH, WALDRON

"AN ACT IRANSEERRING\_\_IHE A BILL FOR AN ACT ENTITLED: 5 END-STAGE RENAL DISEASE PROGRAM TO THE DEPARTMENT OF HEALTH 6 AND ENVIRONMENTAL SCIENCES: REPEALING ADMINISTRATIVE RULES 7 OF THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES 8 END-STAGE RENAL DISEASE IMPLEMENTING THE CHRUNIC OR 9 PROGRAM AND: CLARIFYING EXISTING RULEMAKING TREATHENT 10 AUTHORITY FOR THOSE RULES; AND ADDPIING NEW RULES \_ GOVERNING 11 THE END-STAGE RENAL DISEASE PROGRAM UNTIL SUCH TIME AS RULES 12 ARE ADDRIED BY THE DEPARTMENT: AMENDING SECTION 53-6-202. 13 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." 14

15

4

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 16 <u>VEW\_SECTION</u> Section 1. Renal program rules repealed. 17 and The rules adopted by the department of social 18 rehabilitation services governing the end-stage renal 19 program published in the Administrative Rules of Montana as 20 46.16.101 through 46.16.103, 46.16.105, 46.16.106, 21 ARM 46.16.108, 46.16.110, and 46.16.115 are repealed. 22

23 Section 2. Section 53-6-202, HCA, is amended to read:
 24 \*53-6-202. Establishment of program. <u>(1)</u> The
 25 department of social-and-rehabilitation-services <u>HEALTH\_AND</u>

1 ENVIRONMENTAL\_\_SCIENCES shall establish a program to provide 2 treatment to persons suffering from chronic renal diseases, 3 including dialysis and other medical procedures and 4 techniques, which will have a lifesaving effect in the care 5 and treatment of such persons. The department shall extend 6 financial assistance to all persons suffering from chronic 7 diseases in obtaining the medical, nursing, renal 8 pharmaceutical, and technical services necessary to care for 9 such diseases, including the rental or purchase of home 10 dialysis equipment and supplies.

11 [2] The department shall by rule establish standards 12 for determining eligibility--for--care--and--treatment the 13 amount\_or\_duration\_of\_financial\_assistance\_to\_be\_extended\_to 14 individuals under this program in order that treatment shall 15 be provided to those who are financially unable to obtain 16 such-prestment services without causing severe economic 17 imbalance in the family economic unit. Such standards shall 18 be established without reference to maximum or minimum 19 income levels but-must-be-based-upon-the-economic-imbalance 20 coused-by\_chronic\_renal\_diseases\_reaardless\_of\_the\_amount-of 21 incomencerned. 22 131. The department is not liable to any person for a 23 failure\_to\_provide\_financial\_assistance\_to\_that\_person\_under

- 24 this\_section\_if\_sufficient\_funds\_are\_not\_appropriated\_by\_the
- 25 legislature."

-2- SB 418 SECOND READING

THERE IS A NEW MCA SECTION THAT BEADS:

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2 Section 3. Renal program rules adopted -- expiration.
3 The department of health and environmental sciences shall
4 extend financial assistance under 53-6-202 to persons with
5 chronic renal diseases in accordance with the following:

(1) The appropriate division shall extend financial 6 assistance to eligible persons suffering from chronic renal 7 diseases in obtaining the medical, nursing, pharmaceutical, 8 9 and technical services necessary to care for such diseases; 10 other services include but are not limited to kidney transplantation, surgery, hospitalization, psychological 11 treatment, transportation for applicant, donor, or 12 attendant, attendant training, and attendant salary, These 13 services may not exclude the rental or purchase of home 14 dialysis equipment supplies, plumbing, wells, rewiring, and 15 other adaptive equipment and supplies. 16

17 (2) The following eligibility requirements must be18 met:

(a) Applicants who are not financially able to obtain
care and treatment on a continuing basis without causing
severe economic imbalance to their family economic unit are
eligible. Maximum or minimum income levels of the applicant
or his or her family may not be considered.

(b) Vocational rehabilitation clients are not eligibleunless:

1 (i) a reasonable period of time has elapsed (generally 2 6 months) during which evaluative services were provided; 3 and

4 (ii) a medical determination of nonfeasibility can be 5 shown at the close of the 6-month evaluation period.

6 (c) Applicants must be medically described as 7 suffering from "chronic" end-stage renal disease, which does 8 not include those persons with conditions which could 9 potentially lead to the chronic state and does not include 10 those persons with conditions medically defined as acute 11 renal failure.

12 (d) Applicants eligible for medicare may be eligible
13 If they meet the standards of this program, providing
14 medicare benefits are fully utilized.

(e) Applicants eligible for the appropriate medicaid
or medically needy programs are not eligible for this
program until the benefits from medicaid and medically needy
programs are exhausted.

(f) Eligibility as to financial need must be
determined by the economic need test as set forth in
subchapter 4 of the social and rehabilitation services
rules. Such standards shall be established without reference
to maximum and minimum income levels.

24 (3) The following priority for services will be25 provided:

-4-

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1	(a) training for dialysis (including transportation,
2	room, and board);
3	(b) transplant costs;
4	(c) center dialysis (when justified);
5	(d) medications, for treatment of end-stage renal
6	medical conditions;
7	(e) fistualar surgery;
8	(f) dialysis machine rent, supplies, and repairs;
9	(g) costs to install dialysis machine at home, as
10	necessary;
11	(h) plumbing, wiring, and related maintenance
12	services; and
13	(i) attendant.
14	(4) The rules provided in subsection (1) are effective
15	until such time as the department adopts appropriate rules
16	under the Montana Administrative Procedure Act to implement
17	the provisions of 53-6-202.
18	<u>XEM_SECTION</u> Section 4. Effective date. This act is
19	effective on passage and approval.

-End-

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# PROPOSED AMENDMENTS TO SENATE BILL NO. 418 (REFERENCE BILL)

Page 4, lines 22 and 23. Following: line 21 Strike: line 22 through "rules" on line 23 Insert: "ARM 46.6.405 through 46.6.411"

Governor's

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SB 418

1	STATEMENT OF INTENT
z	SENATE BILL 418
3	Senate Public Health, Welfare and Safety Committee
4	
5	The Department of Social and Rehabilitation Services is
6	currently required to adopt rules to implement a program of
7	financial assistance for chronic renal diseased patients by
в	rule. The Legislature considers it to be appropriate to
9	provide guidance for the Department of Health and
10	Environmental Sciences after transfer of this program.
11	It is the express intent of the Legislature that some
12	financial assistance for treatment of chronic renal diseases
13	be available to persons with end-stage renal diseases. The
14	amount of money provided must be dependent upon the effect
15	that would be caused to the economic stability of the family
16	if the diseased person and his family were to assume all of
17	the expenses of treatment itself. Under the bill, the
18	Department must examine not the "absolute" income levels of
19	the person needing treatment and his family, but the degree
20	to which that level of income, whatever it may be, would be
21	affected by treatment expenses. For these purposes, the
22	Legislature intends that the Department not involve itself
23	in major subjective judgments as to the ability of a patient
24	and his family to do without property or services which they

25 consider essential.

THIRD READING

2/2/ SB 0418/02

SENATE BILL NO. 418 1 INTRODUCED BY JACOBSON, REGAN, 2 TURNAGE, KEENAN, LYNCH, WALORDN 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT IRANSFERRING THE 5 END-STAGE\_RENAL DISEASE PROGRAM TO THE DEPARTMENT OF HEALTH 6 AND ENVIRONMENTAL SCIENCES: REPEALING ADMINISTRATIVE RULES 7 OF THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES 8 IMPLEMENTING THE CHRONIC OR END-STAGE RENAL DISEASE 9 TREATMENT PROGRAM ANDI CLARIFYING EXISTING RULEMAKING 10 AUTHORITY FOR THOSE RULES; AND ADOPTING NEW RULES\_GOVERNING 11 THE END-STAGE RENAL DISEASE PROGRAM UNTIL SUCH TIME AS BULES 12 ARE\_ADOPTED\_BY\_IHE\_DEPARTMENT: AMENDING SECTION 53-6-202+ 13 NCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." 14

15

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 16 YEW\_SECTION. Section 1. Renal program rules repealed. 17 The rules adopted by the department of social and 18 19 rehabilitation services governing the end-stage renal 20 program published in the Administrative Rules of Montana as 46-16-101 through 46-16-103, 46-16-105, 46-16-106+ 21 ARM 46.16.108, 46.16.110, and 46.16.115 are repe∋led. 22

23 Section 2. Section 53-6-202, MCA, is amended to read:
 24 "53+6-202. Establishment of program. (1) The
 25 department of social-and-rehabilitation-services HEALTH\_AND

ENVIRONMENTAL\_SCIENCES shall establish a program to provide 1 treatment to persons suffering from chronic renal diseases, 2 including dialysis and other medical procedures and 3 techniques, which will have a lifesaving effect in the care 4 and treatment of such persons. The department shall extend 5 financial assistance to all persons suffering from chronic 6 7 renal diseases in obtaining the medical, nursing, pharmaceutical, and technical services necessary to care for 8 such diseases, including the rental or purchase of home 9 10 dialysis equipment and supplies.

(2) The department shall by rule establish standards 11 for datermining eligibility--for--care--md--treatment the 12 13 amount\_or\_duration\_of\_financial\_assistance\_to\_be\_extended\_to 14 individuals under this program in order that treatment shall 15 be provided to those who are financially unable to obtain such treatment services without causing severe economic 16 imbalance in the family economic unit. Such standards shall 17 18 be established without reference to maximum or minimum 19 income levels <u>but-must-be-based-upon\_the\_seconomic\_imbalance</u> 20 caused\_by\_chronic\_renol\_diacoses\_regardleas\_of\_the\_secont\_of 21 income rearned. 22 [3] <u>The department is not liable to any person for a</u> 23 failure\_to\_provide\_financial\_assistance\_to\_tbat\_person\_under this\_section\_lf\_sufficient\_funds\_are\_not\_appropriated\_by\_the 24

25 legislature."

1 THERE IS A NEW MCA SECTION THAT READS:

Section 3. Renal program rules adopted -- expiration.
The department of health and environmental sciences shall
extend financial assistance under 53-6-202 to persons with
chronic renal diseases in accordance with the following:

(1) The appropriate division shall extend financial 6 7 assistance to eligible persons suffering from chronic renal 8 diseases in obtaining the medical, nursing, pharmaceutical, and technical services necessary to care for such diseases; 9 other services include but are not limited to kidney 10 transplantation, surgery, hospitalization, psychological 11 treatment, transportation for applicant, donor, or 12 13 attendant, attendant training, and attendant salary. These services may not exclude the rental or purchase of home 14 dialysis equipment supplies, plumbing, wells, rewiring, and 15 other adaptive equipment and supplies. 16

17 (2) The following eligibility requirements must be 18 met:

(a) Applicants who are not financially able to obtain
care and treatment on a continuing basis without causing
severa economic imbalance to their family economic unit are
eligible. Maximum or minimum income levels of the applicant
or his or her family may not be considered.

24 (b) Vocational rehabilitation clients are not eligible
25 unless:

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SB 418

(i) a reasonable period of time has elapsed (generally
 6 months) during which evaluative services were provided;
 and

4 (ii) a medical determination of nonfeasibility can be 5 shown at the close of the 6-month evaluation period.

6 (c) Applicants must be medically described as 7 suffering from "chronic" end-stage renal disease: which does 8 not include those persons with conditions which could 9 potentially lead to the chronic state and does not include 10 those persons with conditions medically defined as acute 11 renal failure.

(d) Applicants eligible for medicare may be eligible
13 if they meet the standards of this program, providing
14 medicare benefits are fully utilized.

15 (e) Applicants eligible for the appropriate medicaid 16 or medically needy programs are not eligible for this 17 program until the benefits from medicaid and medically needy 18 programs are exhausted.

(f) Eligibility as to financial need must be
determined by the economic need test as set forth in
subchapter 4 of the social and rehabilitation services
rules. Such standards shall be established without reference
to maximum and minimum income levels.

24 (3) The following priority for services will be 25 provided:

-4-

1	(a) training for dialysis (including transportation,
2	room, and board);
3	(b) transplant costs;
4	(c) center dialysis (when justified);
5	(d) medications, for treatment of end-stage renal
6	medical conditions;
7	(e) fistualar surgery;
8	(f) dialysis machine rent, supplies, and repairs;
9	(g) costs to install dialysis machine at home+ as
10	necessary;
11	{h} plumbing, wiring, and related maintenance
12	services; and
13	(i) attendant.
14	(4) The rules provided in subsection (1) are effective
15	until such time as the department adopts appropriate rules
16	under the Montana Administrative Procedure Act to implement
17	the provisions of 53-6-202.
18	<u>NEW_SECTION.</u> Section 4. Effective date. This act is
19	effective on passage and approval.
	-End-

## HOUSE HUMAN SERVICES COMMITTEE

## AMENDMENTS TO SENATE BILL 418

March 16, 1983

Third Reading Copy (blue)

BE AMENDED AS FOLLOWS:

1. Title, line 14.
Following: "MCA;"
Insert: "PROVIDING A TERMINATION DATE;"

2. Page 5, line 14.
Strike: "(4)"
Insert: "NEW SECTION. Section 4. Termination date."
Strike: "rules"
Insert: "limitations"

3. Page 5, lines 14 and 15. Strike: "subsection (1) are effective until such time as" Insert: "subsections (1) through (3) of [section 3] terminate when" Renumber: subsequent section

AND AS AMENDED BE CONCURRED IN e

SB 418

1	STATEMENT OF INTENT
2	SENATE BILL 418
3	Senate Public Health, Welfare and Safety Committee
4	
5	The Department of Social and Rehabilitation Services is
6	currently required to adopt rules to implement a program of
7	financial assistance for chronic renal diseased patients by
8	rule. The Legislature considers it to be approprlate to
9	provide guidance for the Department of Health and
10	Environmental Sciences after transfer of this program.
11	It is the express intent of the Legislature that some
12	financial assistance for treatment of chronic renal diseases
13	be available to persons with end-stage renal diseases. The
14	amount of money provided must be dependent upon the effect
15	that would be caused to the economic stability of the family
16	if the diseased person and his family were to assume all of
17	the expenses of treatment itself. Under the bill, the
18	Department must examine not the "absolute" income levels of
19	the person needing treatment and his family, but the degree
20	to which that level of income, whatever it may be, would be
21	affected by treatment expenses. For these purposes, the
22	Legislature intends that the Department not involve itself
23	in major subjective judgments as to the ability of a patient
24	and his family to do without property or services which they
25	consider essential.

REFERENCE BILL 584/8

1	SENATE BILL ND. 418
2	INTRODUCED BY JACOBSON. REGAN.
3	TURNAGE, KEENAN, LYNCH, WALDRON

A BILL FOR AN ACT ENTITLED: "AN ACT IRANSFERRING\_\_\_IHE 5 6 END-STAGE\_\_RENAL\_DISEASE\_PROGRAM\_TO\_THE\_DEPARTMENT\_DE\_HEALTH AND ENVIRONMENTAL SCIENCES: REPEALING ADMINISTRATIVE RULES 7 OF THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES 8 IMPLEMENTING THE CHRONIC OR END-STAGE RENAL DISEASE 9 10 TREATMENT PROGRAM AND: CLARIFYING EXISTING RULEMAKING 11 AUTHORITY FOR THOSE RULES; AND ADOPTING NEW RULES, GOVERNING THE END-STAGE RENAL DISEASE PROGRAM UNTIL SUCH TIME AS RULES 12 ARE ADOPTED BY THE DEPARTMENT: AMENDING SECTION 53-6-202. 13 MCA; <u>PROVIDING A TERMINATION DATE:</u> AND PROVIDING AN 14 INHEDIATE EFFECTIVE DATE.\* 15

16

4

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

18 <u>VEN\_SECTION</u>. Section 1. Renal program rules repealed.
19 The rules adopted by the department of social and
20 rehabilitation services governing the end-stage renal
21 program published in the Administrative Rules of Montana as
22 ARM 46.16.101 through 46.16.103, 46.16.105, 46.16.106,
23 46.15.108, 46.16.110, and 46.16.115 are repealed.

Section 2. Section 53-6-202, MCA, is amended to read;
 #53-6-202. Establishment of program. (1) The

department of social-and-rehabilitation-services HEALTH AND 1 ENVIRONMENTAL SCIENCES shall establish a program to provide 2 treatment to persons suffering from chronic renal diseases, 3 including dialysis and other medical procedures and 4 5 techniques, which will have a lifesaving effect in the care 6 and treatment of such persons. The department shall extend 7 financial assistance to all persons suffering from chronic renal diseases in obtaining the medical, nursing, 8 pharmaceutical, and technical services necessary to care for 9 10 such diseases, including the rental or purchase of home 11 dialysis equipment and supplies.

12 [2] The department shall <u>hy\_rulg</u> establish standards for determining eligibility--for--core--ond--treatment <u>the</u> 13 amount\_or\_duration\_of\_financial\_assistance\_to\_be\_extended\_to 14 15 individuals under this program in order that treatment shall 16 be provided to those who are financially unable to obtain 17 such--treatment services without causing severe economic 18 imbalance in the family economic unit. Such standards shall 19 be established without reference to maximum or minimum 20 income levels <u>but-must-be-besed-upon-the-ceenemic-rimbolance</u> 21 coused:by=chronic=repal=diseases=regardless=of=the=amount=of 22 incomenced. 23 131\_The\_department\_is\_not\_liable\_to\_any\_person\_for\_a 24 failure\_to\_provide\_financial\_assistance\_to\_that\_person\_under

25 this section if sufficient funds are not appropriated by the

1	legislature."
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#### THERE IS A NEW MCA SECTION THAT READS:

3 Section 3. Renal program rules adopted -- expiration.
4 The department of health and environmental sciences shall
5 extend financial assistance under 53=6=202 to persons with
6 chronic renal diseases in accordance with the following:

7 (1) The appropriate division shall extend financial 8 assistance to eligible persons suffering from chronic renal 9 diseases in obtaining the medical, nursing, pharmaceutical, 10 and technical services necessary to care for such diseases; 11 other services include but are not limited to kidney 12 transplantation, surgery, hospitalization, psychological 13 treatment, transportation for applicant, donor, or 14 attendant, attendant training, and attendant salary. These 15 services may not exclude the rental or purchase of home 16 dialysis equipment supplies, plumbing, wells, rewiring, and other adaptive equipment and supplies. 17

18 (2) The following eligibility requirements must be19 met:

(a) Applicants who are not financially able to obtain
care and treatment on a continuing basis without causing
severa economic imbalance to their family economic unit are
eligible. Maximum or minimum income levels of the applicant
for his or her family may not be considered.

25 (b) Vocational rehabilitation clients are not eligible

-3-

SB 418

1 unless:

2 (i) a reasonable period of time has elapsed (denerally
3 6 months) during which evaluative services were provided;
4 and

5 (ii) a medical determination of nonfeasibility can be
shown at the close of the 6-month evaluation period.

7 (c) Applicants must be medically described as 8 suffering from "chronic" end-stage renal disease, which does 9 not include those persons with conditions which could 10 potentially lead to the chronic state and does not include 11 those persons with conditions medically defined as acute 12 renal failure.

(d) Applicants eligible for medicare may be eligible
if they meet the standards of this program, providing
medicare benefits are fully utilized.

16 (e) Applicants eligible for the appropriate medicald 17 or medically needy programs are not eligible for this 18 program until the benefits from medicaid and medically needy 19 programs are exhausted.

(f) Eligibility as to financial need must be
 determined by the economic need test as set forth in
 subchapter 4 of the social and rehabilitation services
 rules. Such standards shall be established without reference
 to maximum and minimum income levels.

25 (3) The following priority for services will be

-4-

1	provided:
Z	(a) training for dialysis (including transportation,
3	room, and board);
4	(b) transplant costs;
5	(c) center dialysis (when justified);
6	(d) medications, for treatment of end-stage renal
7	medical conditions;
8	(a) <del>fistustor <u>EISIULAR</u> surgery;</del>
9	(f) dialysis machine rent, supplies, and repairs;
10	(y) costs to install dialysis machine at home, as
11	necessary;
12	(n) plumbing, wiring, and related maintenance
13	services; and
14	(i) attendant.
15	ftt SECTION_4IERMINATION_DATEs The rules LIMITATIONS
16	provided in <del>subsection-(1)-are-effective-until-such-time-as</del>
17	SUBSECTIONS_111_THEOUGH_131_DE_[SECTION_3]_TERMINATE_WHEN
18	the Mepartment adopts appropriate rules under the Montana
19	Administrative Procedure Act to implement the provisions of
20	53~6-202.
21	<u>NEW_SECIION.</u> Section 5. Effective date. This act is
22	effective on passage and approval.

-End-

-5-

\$8 418

1	STATEMENT OF INTENT
2	SENATE BILL 418
3	Senate Public Health, Welfare and Safety Committee
4	
5	The Department of Social and Rehabilitation Services is
6	currently required to adopt rules to implement a program of
7	financial assistance for chronic renal diseased patients by
e	rule. The Legislature considers it to be appropriate to
9	provide guidance for the Department of Health and
10	Environmental Sciences after transfer of this program-
11	It is the express intent of the Legislature that some
12	financial assistance for treatment of chronic renal diseases
13	be available to persons with end-stage renal diseases. The
14	amount of money provided must be dependent upon the effect
15	that would be caused to the economic stability of the family
16	if the diseased person and his family were to assume all of
17	the expenses of treatment itself. Under the bill, the
18	Department must examine not the "absolute" income levels of
19	the person needing treatment and his family, but the degree
20	to which that level of income, whatever it may be, would be
21	offected by treatment expenses. For these purposes, the
22	Legislature intends that the Department not involve itself
23	in major subjective judgments as to the ability of a patient
24	and his family to do without property or services which they
25	consider essential.

REFERENCE BILL: INCLUDES GOVERNOR'S AMENDMENTS DATED 4.14-83

5B 418

1	SENATE BILL NO. 41B
z	INTRODUCED BY JACOBSON+ REGAN+
3	TURNAGE, KEENAN, LYNCH, WALDRON

5 A BILL FOR AN ACT ENTITLED: "AN ACT IRANSFERRING THE 5 END-STAGE\_RENAL DISEASE PROGRAM TO THE DEPARTMENT OF HEALTH 7 AND ENVIRONMENTAL SCIENCES: REPEALING ADMINISTRATIVE RULES 8 OF THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES 9 IMPLEMENTING THE CHRONIC OR END-STAGE RENAL DISEASE 10 TREATMENT PROGRAM AND: CLARIFYING EXISTING RULEMAKING 11 AUTHORITY FOR THOSE RULES; AND ADOPTING NEW RULES\_ GOVERNING 12 THE END-STAGE BENAL DISEASE PROGRAM UNTIL SUCH TIME AS RULES 13 ARE ADOPTED BY THE DEPARTMENT: AMENDING SECTION 53-6-202, 14 MCA; PROVIDING A TERMINATION DATE: AND PROVIDING AN 15 IMMEDIATE EFFECTIVE DATE."

16

4

17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 18 NEW\_SECTION. Section 1. Renal program rules repealed. 19 The rules adopted by the department of social and 20 rehabilitation services governing the end-stage renal program published in the Administrative Sules of Montana as 21 22 ARM 46-16-101 through 46-16-103, 46-16-105, 46-16-106; 46-16-108, 46-16-110, and 46-16-115 are repealed. 23 Section 2. Section 53-6-202, MCA, is amended to read: 24 The 25 "53-6-202. Establishment of program. m

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l	department of social-and-rehobilitation-services <u>HEALIH_AND</u>
z	ENVIRONMENTAL_SCIENCES shall establish a program to provide
3	treatment to persons suffering from chronic renal diseases,
4	including dialysis and other medical procedures and
5	techniques, which will have a lifesaving effect in the care
6	and treatment of such persons. The department shall extend
7	financial assistance to <u>all</u> persons suffering from chronic
8	renal diseases in obtaining the medical, nursing,
9	pharmaceutical, and technical services necessary to care for
10	such diseases, including the rental or purchase of home
11	dialysis equipment and supplies.
12	<u>[2]</u> The department shall <u>by rule</u> establish standards
13	for determining <del>eligibilityforcoreandtreatment <u>the</u></del>
14	amount or duration of financial assistance to be extended to
15	individuals under this program in order that treatment shall
18	be provided to those who are financially unable to obtain

23	[3] The department is not liable to any person for a
24	failure_to_provide_financial_assistance_to_that_person_under
25	this section if sufficient funds are not appropriated by the

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such--treatment services without causing severe economic

imbalance in the family economic unit. Such standards shall

be established without reference to maximum or minimum

income levels <u>butemust-berbased-upon-thereconomic--imbolonce</u>

faused-breebreaic-reagl-diseases-regardless-of-the-amount-of

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### THERE IS A NEW MCA SECTION THAT READS:

3 Section 3. Renal program rules adopted -- expiration.
4 The department of health and environmental sciences shall
5 extend financial assistance under 53-6-202 to persons with
6 chronic renal diseases in accordance with the following:

7 (1) The appropriate division shall extend financial 8 assistance to eligible persons suffering from chronic renal 9 diseases in obtaining the medical, nursing, pharmaceutical, 10 and technical services necessary to care for such diseases; other services include but are not limited to kidney 11 12 transplantation, surgery, hospitalization, psychological 13 treatment, transportation for applicant, donor, or 14 attendant, attendant training, and attendant salary. These 15 services may not exclude the rental or purchase of home 16 dialysis equipment supplies, plumbing, wells, rewiring, and 17 other adaptive equipment and supplies.

18 (2) The following eligibility requirements must be 19 met:

(a) Applicants who are not financially able to obtain
care and treatment on a continuing basis without causing
severe economic imbalance to their family economic unit are
eligible. Maximum or minimum income levels of the applicant
or his or her family may not be considered.

25 (b) Vocational rehabilitation clients are not eligible

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1 unless:

2 (i) a reasonable period of time has elopsed (generally
3 6 months) during which evaluative services were provided;
4 and

5 (ii) a medical determination of nonfeasibility can be
6 shown at the close of the 6-month evaluation period.

7 (c) Applicants must be medically described as 8 suffering from "chronic" end-stage renal disease, which does 9 not include those persons with conditions which could 10 potentially lead to the chronic state and does not include 11 those persons with conditions medically defined as acute 12 renal failure.

(d) Applicants eligible for medicare may be eligible
if they meet the standards of this program, providing
medicare benefits are fully utilized.

(e) Applicants eligible for the appropriate medicaid
 or medically needy programs are not eligible for this
 program until the benefits from medicaid and medically needy
 programs are exhausted.

(f) Eligibility as to financial need must be
determined by the economic need test as set forth in
subchapter-4-of-the-social-and-rehabilitation-services-rules
<u>ARM\_46\*6\*495\_THRDUGH\_46\*6\*411</u>. Such standards shall be
established without reference to maximum and minimum income
levels.

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(3) The following priority for services will be Ł 2 provided: 3 (a) training for dialysis (including transportation, room+ and board); 4 5 (b) transplant costs; 6 (c) center dialysis (when justified); 7 (d) medications, for treatment of end-stage renal medical conditions; 8 9 (e) fistualor EISTULAR surgery; (f) dialysis machine rent, supplies, and repairs; 10 (q) costs to install dialysis machine at home, as 11 12 necessary; 13 (h) plumbing, wiring, and related maintenance 14 services; and 15 (i) attendant. 447 SECTION 4. TERMINATION DATE. The rules LIMITATIONS 16 17 provided in subsection-(1)-are-effective-until-such-time--as 18 SUBSECTIONS\_\_(1) \_\_THROUGH\_\_(3)\_OF\_ESECTION\_3]\_TERMINATE\_WHEN 19 the department adopts appropriate rules under the Montana 20 Administrative Procedure Act to implement the provisions of 21 53-6-202-NEW SECTION. Section 5. Effective date. This act is 22 23 effective on passage and approval.

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