

SENATE BILL NO. 329

INTRODUCED BY REGAN, WALDRON, MCCALLUM

BY REQUEST OF THE DEPARTMENT OF SOCIAL AND
REHABILITATION SERVICES

IN THE SENATE

February 6, 1985	Introduced and referred to Committee on Public Health, Welfare and Safety.
February 21, 1985	Committee recommend bill do pass as amended. Report adopted. Statement of Intent attached by committee.
February 22, 1985	Bill printed and placed on members' desks.
February 25, 1985	Second reading, do pass.
February 26, 1985	Considered correctly engrossed.
February 27, 1985	Third reading, passed. Ayes, 36; Noes, 14. Transmitted to House.

IN THE HOUSE

March 7, 1985	Introduced and referred to Committee on Human Services and Aging.
March 18, 1985	Committee recommend bill be concurrred in as amended. Report adopted. Statement of Intent amended by committee.

March 20, 1985	Second reading, pass consideration.
March 22, 1985	Second reading, concurred in.
March 25, 1985	Third reading, concurred in. Returned to Senate with amendments and with amended Statement of Intent.

IN THE SENATE

March 25, 1985	Received from House.
April 2, 1985	Second reading, amendments concurred in.
April 4, 1985	Third reading, amendments concurred in. Ayes, 50; Noes, 0. Sent to enrolling. Reported correctly enrolled.

Senate BILL NO. 329

INTRODUCED BY Ray Waldron
BY REQUEST OF THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PROVISIONS RELATING TO FREEDOM OF CHOICE OF MEDICAL ASSISTANCE PROVIDED THROUGH THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES; AMENDING SECTION 53-6-104, MCA."

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

Section 1. Section 53-6-104, MCA, is amended to read:

"53-6-104. Freedom of doctors to treat recipients of medical assistance -- freedom to select doctor. (1) The department of social and rehabilitation services shall provide for professional freedom of those licensed practitioners who provide medical assistance under this part and provide reasonable freedom of choice to recipients of medical aid to select the vendor or provider of medical care, services, or prescribed drugs.

(2) The provisions of subsection (1) do not prohibit the department from adopting rules to:

- (a) establish fees it will pay providers for medical assistance services;
- (b) set reasonable standards relating to

- qualifications of providers;
- (c) restrict a recipient's free choice of providers if the department finds that a recipient has utilized medical services or items at a frequency or amount that is not medically necessary; however, there must be opportunity for a hearing before such restrictions are imposed;
- (d) purchase medical assistance for recipients through a competitive bid process if medical assistance is reasonably available to all recipients; or
- (e) otherwise restrict recipients to obtaining services from or through qualified providers or practitioners that accept and comply with the reimbursement and utilization limits established by the department."

-End-



-2- INTRODUCED BILL SB 329

APPROVED BY COMMITTEE
ON PUBLIC HEALTH, WELFARE
& SAFETY

1 STATEMENT OF INTENT

2 SENATE BILL 329

3 Senate Public Health, Welfare, and Safety Committee

4
5 A statement of intent is required for this bill because
6 it amends 53-6-104 to allow the department of social and
7 rehabilitation services to enact rules in subsection (2).
8 Under present law the department has express rulemaking
9 authority to administer and supervise the state's medical
10 assistance programs under Title 53. The intent of this bill
11 is to clarify that the department has the same options
12 provided under federal freedom of choice statutes to
13 restrict access to and services of health care providers.

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 15 department of social and rehabilitation services shall
 16 provide for professional freedom of those licensed
 17 practitioners who provide medical assistance under this part
 18 and provide reasonable freedom of choice to recipients of
 19 medical aid to select the vendor or provider of medical
 20 care, services, or prescribed drugs.

21 (2) The provisions of subsection (1) do not prohibit
 22 the department from adopting rules to:

23 (a) establish fees it will pay providers for medical
 24 assistance services;

25 ~~(b)--set---reasonable---standards---relating---to~~

1 ~~qualifications-of-providers;~~
 2 ~~(e)(B) restrict a recipient's free choice of providers~~
 3 ~~if the department finds that a recipient has utilized~~
 4 ~~medical services or items at a frequency or amount that is~~
 5 ~~not medically necessary; however, there must be opportunity~~
 6 ~~for a hearing before such restrictions are imposed;~~
 7 ~~(d)(C) purchase medical assistance for recipients~~
 8 ~~through a competitive bid process if medical assistance is~~
 9 ~~reasonably available to all recipients; or~~
 10 ~~(e)(D) otherwise restrict recipients to obtaining~~
 11 ~~services from or through qualified providers or~~
 12 ~~practitioners that accept and comply with the reimbursement~~
 13 ~~and utilization limits established by the department."~~

-End-

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THIRD READING

SB 329

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 11 services from or through qualified providers or
 12 practitioners that accept and comply with the reimbursement
 13 and utilization limits established by the department."

-End-



STANDING COMMITTEE REPORT

HOUSE

March 15 19 85
Page 1 of 2

March 15 19 85
Page 2 of

MR. Speaker.....

We, your committee on House Human Services and Aging

having had under consideration Senate Bill No. 329

third reading copy (blue)
color

Freedom of choice provisions for medical assistance through SRS

Respectfully report as follows: That Senate Bill No. 329

SEE ATTACHED

████████

Rep Keenan
Chairman.

Human Services and Aging Committee
Senate Bill No. 329

AMENDED AS FOLLOWS:

- 1) Title, line 6.
Following: "AN ACT"
Strike: "REVISING"
Insert: "CLARIFYING"
- 2) Page 1, line 21 through line 13, page 2.
Following: "(2)" on line 21
Strike: remainder of subsection (2) in its entirety
Insert: "Nothing in this section may be construed to prohibit the department from imposing conditions on the payment of provider services and the receipt of medical assistance, as provided for under 53-6-111, 53-6-113 through 53-6-115, and 53-6-141."
- 3) Page 2,
Following: line 13
Insert: "NEW SECTION. Section 2. Extension of authority. Any existing authority of the department of social and rehabilitation services to make rules on the subject of the provisions of this act is extended to the provisions of this act."

STATEMENT OF INTENT AMENDED AS FOLLOWS:

- 1) Page 1, line 3.
Strike: line 3 in its entirety
- 2) Page 1, line 5.
Following: "is"
Strike: "required"
Insert: "desired"
- 3) Page 1, line 6.
Following: "it"
Strike: "amends 53-6-104 to allow"
Insert: "affects the rulemaking authority of"
- 4) Page 1, line 7.
Following: "services"
Strike: remainder of line 7 through (2)"
- 5) Page 1, line 13.
Following: "providers"
Insert: ", which restrictions the department may adopt under existing state statutes"

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AS AMENDED
BE CONCURRED IN

Rep Nancy
Chairman.

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1 STATEMENT OF INTENT

2 SENATE BILL 329

3 ~~Senate-Public-Health,-Welfare,-and-Safety-Committee~~

4

5 A statement of intent is required DESIRED for this bill
6 because it amends ~~53-6-104-to-allow~~ AFFECTS THE RULEMAKING
7 AUTHORITY OF the department of social and rehabilitation
8 ~~services to-enact-rules-in-subsection-(2).~~ Under present law
9 the department has express rulemaking authority to
10 administer and supervise the state's medical assistance
11 programs under Title 53. The intent of this bill is to
12 clarify that the department has the same options provided
13 under federal freedom of choice statutes to restrict access
14 to and services of health care providers, WHICH RESTRICTIONS
15 THE DEPARTMENT MAY ADOPT UNDER EXISTING STATE STATUTES.

REFERENCE BILL
SB 329



SENATE BILL NO. 329

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~~(e)(D) otherwise restrict recipients to obtaining services from or through qualified providers or practitioners that accept and comply with the reimbursement and utilization limits established by the department.~~

NOTHING IN THIS SECTION MAY BE CONSTRUED TO PROHIBIT THE DEPARTMENT FROM IMPOSING CONDITIONS ON THE PAYMENT OF PROVIDER SERVICES AND THE RECEIPT OF MEDICAL ASSISTANCE, AS PROVIDED FOR UNDER 53-6-111, 53-6-113 THROUGH 53-6-115, AND 53-6-141."

NEW SECTION. SECTION 2. EXTENSION OF AUTHORITY. ANY EXISTING AUTHORITY OF THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES TO MAKE RULES ON THE SUBJECT OF THE PROVISIONS OF THIS ACT IS EXTENDED TO THE PROVISIONS OF THIS ACT.

-End-

