

SENATE BILL NO. 210

INTRODUCED BY KEATING, BLAYLOCK, WEEDING, ECK

IN THE SENATE

JANUARY 26, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON BUSINESS & INDUSTRY.

FEBRUARY 17, 1987 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 18, 1987 PRINTING REPORT.

 ON MOTION, TAKEN FROM SECOND READING
AND REREFERRED TO COMMITTEE
ON BUSINESS & INDUSTRY.

FEBRUARY 20, 1987 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 21, 1987 PRINTING REPORT.

FEBRUARY 23, 1987 SECOND READING, DO PASS.

FEBRUARY 24, 1987 ENGROSSING REPORT.

FEBRUARY 25, 1987 THIRD READING, PASSED.
AYES, 41; NOES, 9.

 TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 3, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON BUSINESS & LABOR.

MARCH 18, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 27, 1987 SECOND READING, CONCURRED IN AS
AMENDED.

MARCH 30, 1987

THIRD READING, CONCURRED IN.
AYES, 84; NOES, 13.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 3, 1987

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS NOT
CONCURRED IN.

APRIL 7, 1987

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 14, 1987

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 15, 1987

ON MOTION, CONFERENCE COMMITTEE
DISSOLVED.

ON MOTION, RULES SUSPENDED TO RECONSIDER
PREVIOUS ACTION AND PLACE ON SECOND
READING THIS DAY.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 16, 1987

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

1 *Senate* BILL NO. *210*
2 INTRODUCED BY *Heston Blaylock*
3 *Wendy Pelt*

4 A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING PROFESSIONAL
5 COUNSELORS' SERVICES IN THE DEFINITION OF MEDICAL ASSISTANCE
6 ESTABLISHED FOR MEDICAID; DEFINING PROFESSIONAL COUNSELORS
7 AS HEALTH CARE PROVIDERS FOR PURPOSES OF DISABILITY
8 INSURANCE AND HEALTH SERVICE CORPORATION PLANS; AMENDING
9 SECTIONS 33-22-111, 33-22-702, 33-30-101, AND 53-6-101, MCA;
10 AND REPEALING SECTION 30-33-1012, MCA."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 33-22-111, MCA, is amended to read:
14 "33-22-111. Policies to provide for freedom of choice
15 of practitioners -- professional practice not enlarged. (1)
16 All policies of disability insurance, including individual,
17 group, and blanket policies, and all policies insuring the
18 payment of compensation under the Workers' Compensation Act
19 shall provide the insured shall have full freedom of choice
20 in the selection of any duly licensed physician, dentist,
21 osteopath, chiropractor, optometrist, chiropodist,
22 psychologist, licensed social worker, licensed professional
23 counselor, or nurse specialist as specifically listed in
24 37-8-202 for treatment of any illness or injury within the
25 scope and limitations of his practice. Whenever such

1 policies insure against the expense of drugs, the insured
2 shall have full freedom of choice in the selection of any
3 duly licensed and registered pharmacist. ~~An insurer shall~~
4 ~~offer, at additional cost to the insured, the option of~~
5 ~~disability and health insurance coverage for services~~
6 ~~performed by a licensed professional counselor.~~

7 (2) Nothing in this section shall be construed as
8 enlarging the scope and limitations of practice of any of
9 the licensed professions enumerated in subsection (1); nor
10 shall this section be construed as amending, altering, or
11 repealing any statutes relating to the licensing or use of
12 hospitals."

13 Section 2. Section 33-22-702, MCA, is amended to read:
14 "33-22-702. Definitions. For purposes of this part,
15 the following definitions apply:

16 (1) "Inpatient hospital benefits" means benefits
17 payable for charges made by a hospital or freestanding
18 inpatient facility, as defined in the policy or contract,
19 for the necessary care and treatment of mental illness,
20 alcoholism, or drug addiction furnished to a covered person
21 while confined as an inpatient and, with respect to major
22 medical policies or contracts, also includes those benefits
23 payable for charges made by a physician, as defined in the
24 policy or contract, for the necessary care and treatment of
25 mental illness, alcoholism, or drug addiction furnished to a

1 covered person while confined as a hospital inpatient.

2 (2) "Outpatient benefits" means benefits payable for:

3 (a) reasonable charges made by a hospital for the
4 necessary care and treatment of mental illness, alcoholism,
5 or drug addiction furnished to a covered person while not
6 confined as a hospital inpatient;

7 (b) reasonable charges for services rendered or
8 prescribed by a physician for the necessary care and
9 treatment for mental illness, alcoholism, or drug addiction
10 furnished to a covered person while not confined as a
11 hospital inpatient;

12 (c) reasonable charges made by a mental health,
13 alcoholism, or drug addiction treatment center for the
14 necessary care and treatment of a covered person provided in
15 the treatment center; and

16 (d) reasonable charges for services rendered by a
17 licensed psychiatrist, psychologist, licensed professional
18 counselor, or licensed social worker.

19 (3) "Alcoholism treatment center" and "drug addiction
20 treatment center" mean a treatment facility which provides a
21 program for the treatment of alcoholism or drug addiction
22 pursuant to a written treatment plan approved and monitored
23 by a physician or chemical dependency counselor certified by
24 the state, and which facility is also:

25 (a) affiliated with a hospital under a contractual

1 agreement with an established system for patient referral;
2 or

3 (b) licensed or approved as an alcoholism or drug
4 addiction treatment center by the alcohol authority of the
5 state.

6 (4) "Mental health treatment center" means a treatment
7 facility organized to provide care and treatment for mental
8 illness through multiple modalities or techniques pursuant
9 to a written treatment plan approved and monitored by an
10 interdisciplinary team, including a licensed physician,
11 psychiatric social worker, and psychologist, and which
12 facility is also:

13 (a) licensed as a mental health treatment center by
14 the state;

15 (b) funded or eligible for funding under federal or
16 state law; or

17 (c) affiliated with a hospital under a contractual
18 agreement with an established system for patient referral.

19 (5) "Mental illness" means neurosis, psychoneurosis,
20 psychopathy, psychosis, or personality disorder."

21 Section 3. Section 33-30-101, MCA, is amended to read:
22 "33-30-101. Definitions. As used in this chapter, the
23 following definitions apply:

24 (1) "Health service corporation" means a nonprofit
25 corporation organized or operating for the purposes of

1 establishing and operating a nonprofit plan or plans under
 2 which prepaid hospital care, medical-surgical care, and
 3 other health care and services, or reimbursement therefor,
 4 may be furnished to a member or beneficiary.

5 (2) "Health services" means the health care and
 6 services provided by hospitals or other health care
 7 institutions, organizations, associations, or groups and by
 8 doctors of medicine, osteopathy, dentistry, chiropractic,
 9 optometry, and podiatry; nursing services; licensed social
 10 worker, licensed professional counselor, or psychologist;
 11 medical appliances, equipment, and supplies; drugs,
 12 medicines, ambulance services, and other therapeutic
 13 services and supplies.

14 (3) "Membership contract" means any agreement,
 15 contract, or certificate by which a health service
 16 corporation describes the health services or benefits
 17 provided to its members or beneficiaries."

18 Section 4. Section 53-6-101, MCA, is amended to read:
 19 "53-6-101. Definition of medical assistance. (1) The
 20 definition of medical assistance shall include:

- 21 (a) inpatient hospital services;
- 22 (b) outpatient hospital services;
- 23 (c) other laboratory and x-ray services;
- 24 (d) skilled nursing home services;
- 25 (e) physicians' services, whether furnished in the

1 office, the patient's home, a hospital, a skilled nursing
 2 home, or elsewhere.

3 (2) It may also include, although not necessarily
 4 limited to, the following:

5 (a) medical care or any other type of remedial care
 6 recognized under state law, furnished by licensed
 7 practitioners within the scope of their practice as defined
 8 by state law;

9 (b) home health care services;

10 (c) private-duty nursing services;

11 (d) dental services;

12 (e) physical therapy and other related services;

13 (f) clinic services;

14 (g) services provided by social workers licensed under
 15 Title 37, chapter 22;

16 (h) services provided by professional counselors
 17 licensed under Title 37, chapter 23;

18 ~~(i)~~ (i) prescribed drugs, dentures, and prosthetic
 19 devices;

20 ~~(j)~~ (j) eyeglasses prescribed by a physician skilled in
 21 diseases of the eye or by an optometrist, whichever the
 22 individual may select;

23 ~~(k)~~ (k) other diagnostic, screening, preventive,
 24 rehabilitative, chiropractic, and osteopathic services;

25 ~~(l)~~ (l) any additional medical service or aid allowable

1 under or provided by the federal Social Security Act."

2 NEW SECTION. Section 5. Repealer. Section 30-33-1012,
3 MCA, is repealed.

4 NEW SECTION. Section 6. Extension of authority. Any
5 existing authority of the commissioner of insurance and the
6 department of social and rehabilitation services to make
7 rules on the subject of the provisions of this act is
8 extended to the provisions of this act.

-End-

RE-REFERRED AND
APPROVED BY COMM. ON
BUSINESS & INDUSTRY

SENATE BILL NO. 210

INTRODUCED BY KEATING, BLAYLOCK, WEEDING, ECK

A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING PROFESSIONAL COUNSELORS' SERVICES IN THE DEFINITION OF MEDICAL ASSISTANCE ESTABLISHED FOR MEDICAID; DEFINING PROFESSIONAL COUNSELORS AS HEALTH CARE PROVIDERS FOR PURPOSES OF DISABILITY INSURANCE AND HEALTH SERVICE CORPORATION PLANS; AMENDING SECTIONS 33-1-104, 33-1-313, 33-1-317, 33-22-111, 33-22-702, 33-30-101, 33-30-111 THROUGH 33-30-113, AND 53-6-101, MCA; AND REPEALING SECTION ~~30-33-1012~~ 33-30-1012, MCA."

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

Section 1. Section 33-22-111, MCA, is amended to read:

"33-22-111. Policies to provide for freedom of choice of practitioners -- professional practice not enlarged. (1) All policies of disability insurance, including individual, group, and blanket policies, and all policies insuring the payment of compensation under the Workers' Compensation Act shall provide the insured shall have full freedom of choice in the selection of any duly licensed physician, dentist, osteopath, chiropractor, optometrist, chiropodist, psychologist, licensed social worker, licensed professional counselor, or nurse specialist as specifically listed in 37-8-202 for treatment of any illness or injury within the

scope and limitations of his practice. Whenever such policies insure against the expense of drugs, the insured shall have full freedom of choice in the selection of any duly licensed and registered pharmacist. ~~An insurer shall offer, at additional cost to the insured, the option of disability and health insurance coverage for services performed by a licensed professional counselor.~~

(2) Nothing in this section shall be construed as enlarging the scope and limitations of practice of any of the licensed professions enumerated in subsection (1); nor shall this section be construed as amending, altering, or repealing any statutes relating to the licensing or use of hospitals."

Section 2. Section 33-22-702, MCA, is amended to read:

"33-22-702. Definitions. For purposes of this part, the following definitions apply:

(1) "Inpatient hospital benefits" means benefits payable for charges made by a hospital or freestanding inpatient facility, as defined in the policy or contract, for the necessary care and treatment of mental illness, alcoholism, or drug addiction furnished to a covered person while confined as an inpatient and, with respect to major medical policies or contracts, also includes those benefits payable for charges made by a physician, as defined in the policy or contract, for the necessary care and treatment of



1 mental illness, alcoholism, or drug addiction furnished to a
2 covered person while confined as a hospital inpatient.

3 (2) "Outpatient benefits" means benefits payable for:

4 (a) reasonable charges made by a hospital for the
5 necessary care and treatment of mental illness, alcoholism,
6 or drug addiction furnished to a covered person while not
7 confined as a hospital inpatient;

8 (b) reasonable charges for services rendered or
9 prescribed by a physician for the necessary care and
10 treatment for mental illness, alcoholism, or drug addiction
11 furnished to a covered person while not confined as a
12 hospital inpatient;

13 (c) reasonable charges made by a mental health,
14 alcoholism, or drug addiction treatment center for the
15 necessary care and treatment of a covered person provided in
16 the treatment center; and

17 (d) reasonable charges for services rendered by a
18 licensed psychiatrist, psychologist, licensed professional
19 counselor, or licensed social worker.

20 (3) "Alcoholism treatment center" and "drug addiction
21 treatment center" mean a treatment facility which provides a
22 program for the treatment of alcoholism or drug addiction
23 pursuant to a written treatment plan approved and monitored
24 by a physician or chemical dependency counselor certified by
25 the state, and which facility is also:

1 (a) affiliated with a hospital under a contractual
2 agreement with an established system for patient referral;
3 or

4 (b) licensed or approved as an alcoholism or drug
5 addiction treatment center by the alcohol authority of the
6 state.

7 (4) "Mental health treatment center" means a treatment
8 facility organized to provide care and treatment for mental
9 illness through multiple modalities or techniques pursuant
10 to a written treatment plan approved and monitored by an
11 interdisciplinary team, including a licensed physician,
12 psychiatric social worker, and psychologist, and which
13 facility is also:

14 (a) licensed as a mental health treatment center by
15 the state;

16 (b) funded or eligible for funding under federal or
17 state law; or

18 (c) affiliated with a hospital under a contractual
19 agreement with an established system for patient referral.

20 (5) "Mental illness" means neurosis, psychoneurosis,
21 psychopathy, psychosis, or personality disorder."

22 Section 3. Section 33-30-101, MCA, is amended to read:
23 "33-30-101. Definitions. As used in this chapter, the
24 following definitions apply:

25 (1) "Health service corporation" means a nonprofit

1 corporation organized or operating for the purposes of
 2 establishing and operating a nonprofit plan or plans under
 3 which prepaid hospital care, medical-surgical care, and
 4 other health care and services, or reimbursement therefor,
 5 may be furnished to a member or beneficiary.

6 (2) "Health services" means the health care and
 7 services provided by hospitals or other health care
 8 institutions, organizations, associations, or groups and by
 9 doctors of medicine, osteopathy, dentistry, chiropractic,
 10 optometry, and podiatry; nursing services; licensed social
 11 worker, licensed professional counselor, or psychologist;
 12 medical appliances, equipment, and supplies; drugs,
 13 medicines, ambulance services, and other therapeutic
 14 services and supplies.

15 (3) "Membership contract" means any agreement,
 16 contract, or certificate by which a health service
 17 corporation describes the health services or benefits
 18 provided to its members or beneficiaries."

19 Section 4. Section 53-6-101, MCA, is amended to read:

20 "53-6-101. Definition of medical assistance. (1) The
 21 definition of medical assistance shall include:

- 22 (a) inpatient hospital services;
- 23 (b) outpatient hospital services;
- 24 (c) other laboratory and x-ray services;
- 25 (d) skilled nursing home services;

1 (e) physicians' services, whether furnished in the
 2 office, the patient's home, a hospital, a skilled nursing
 3 home, or elsewhere.

4 (2) It may also include, although not necessarily
 5 limited to, the following:

6 (a) medical care or any other type of remedial care
 7 recognized under state law, furnished by licensed
 8 practitioners within the scope of their practice as defined
 9 by state law;

10 (b) home health care services;

11 (c) private-duty nursing services;

12 (d) dental services;

13 (e) physical therapy and other related services;

14 (f) clinic services;

15 (g) services provided by social workers licensed under
 16 Title 37, chapter 22;

17 (h) services provided by professional counselors
 18 licensed under Title 37, chapter 23;

19 ~~(i)~~ (i) prescribed drugs, dentures, and prosthetic
 20 devices;

21 ~~(j)~~ (j) eyeglasses prescribed by a physician skilled in
 22 diseases of the eye or by an optometrist, whichever the
 23 individual may select;

24 ~~(k)~~ (k) other diagnostic, screening, preventive,
 25 rehabilitative, chiropractic, and osteopathic services;

1 ~~(*)~~(1) any additional medical service or aid allowable
2 under or provided by the federal Social Security Act."

3 NEW SECTION. Section 5. Repealer. Section ~~30-33-1012~~
4 ~~33-30-1012~~, MCA, is repealed.

5 SECTION 6. SECTION 33-1-104, MCA, IS AMENDED TO READ:

6 "33-1-104. General penalty. Each violation of any
7 provision of this code~~7-except-33-30-1012~~, with respect to
8 which violation a greater penalty is not provided by other
9 applicable laws of this state shall, in addition to any
10 administrative penalty otherwise applicable thereto, upon
11 conviction in a court of competent jurisdiction of this
12 state be punishable by a fine of not less than \$50 or more
13 than \$1,000 or by imprisonment in the county jail for not
14 less than 30 days or more than 90 days or by both such fine
15 and imprisonment."

16 SECTION 7. SECTION 33-1-313, MCA, IS AMENDED TO READ:

17 "33-1-313. Rules -- notice, hearing, and penalty. (1)
18 The commissioner may make reasonable rules necessary for or
19 as an aid to effectuation of any provision of this code~~7~~
20 ~~except-33-30-1012~~. No such rule shall extend, modify, or
21 conflict with any law of this state or the reasonable
22 implications thereof. Any such rule affecting persons or
23 matters other than the personnel or the internal affairs of
24 the commissioner's office shall be made or amended only
25 after a hearing thereon of which notice was given as

1 required by 33-1-703. If reasonably possible the
2 commissioner shall set forth the proposed rule or amendment
3 in or with the notice of hearing. No such rule or amendment
4 as to which a hearing is required shall be effective until
5 it has been on file as a public record in the commissioner's
6 office for at least 10 days.

7 (2) In addition to any other penalty provided, willful
8 violation of any such rule shall subject the violator to
9 such administrative penalties as may be applicable under
10 this code as for violation of the provision as to which such
11 rule relates."

12 SECTION 8. SECTION 33-1-317, MCA, IS AMENDED TO READ:

13 "33-1-317. Penalty imposed by commissioner. The
14 commissioner may, after having conducted a hearing pursuant
15 to 33-1-701, impose a fine not to exceed the sum of \$5,000
16 upon a person found to have violated any provision of this
17 code~~7-except--33-30-1012~~, or regulation duly promulgated by
18 the commissioner, except that the fine imposed upon agents
19 or adjusters shall not exceed \$500. Said fine shall be in
20 addition to all other penalties imposed by the laws of this
21 state and shall be collected by the commissioner in the name
22 of the state of Montana. Imposition of any fine hereunder
23 shall be an order from which an appeal may be taken,
24 pursuant to the provisions of 33-1-711."

25 SECTION 9. SECTION 33-30-111, MCA, IS AMENDED TO READ:

1 "33-30-111. Notice of violation -- conference. If the
 2 commissioner shall for any reason have cause to believe that
 3 violation of this chapter~~7-except-33-30-1012~~ has occurred
 4 or is threatened, the commissioner may give written notice
 5 to the health service corporation and to the representatives
 6 or other persons who appear to be involved in the suspected
 7 violation to arrange a conference with the alleged violators
 8 or their authorized representative for the purpose of
 9 attempting to ascertain the facts relating to the suspected
 10 violation, and in the event it appears that a violation has
 11 occurred or is threatened, to arrive at an adequate and
 12 effective means of correcting or preventing the violation."

13 SECTION 10. SECTION 33-30-112, MCA, IS AMENDED TO

14 READ:

15 "33-30-112. Cease and desist order. (1) The
 16 commissioner acting in the name of the state may issue an
 17 order directing a health service corporation or a
 18 representative of a health service corporation to cease and
 19 desist from engaging in any act or practice in violation of
 20 the provisions of this chapter~~7-except-33-30-1012~~.

21 (2) Within 15 days after service of the order of cease
 22 and desist, the respondent may request a hearing on the
 23 question of whether acts or practices in violation of this
 24 chapter have occurred. These hearings shall be conducted
 25 under the Montana Administrative Procedure Act."

1 SECTION 11. SECTION 33-30-113, MCA, IS AMENDED TO

2 READ:

3 "33-30-113. Injunctive relief. In the case of any
 4 violation of the provisions of this chapter~~7-except~~
 5 ~~33-30-1012~~, if the commissioner elects not to issue a cease
 6 and desist order or in the event of noncompliance with a
 7 cease and desist order issued under this chapter, the
 8 commissioner may institute a proceeding to obtain injunctive
 9 relief, receivership, or other appropriate relief in the
 10 district court of the county in which the violation occurs
 11 or in which the principal place of business of the health
 12 service corporation is located. Any proceeding under this
 13 section shall conform to the requirements of Title 27,
 14 chapter 19 or 20, except that the commissioner shall not be
 15 required to allege facts tending to show the lack of an
 16 adequate remedy at law or tending to show irreparable damage
 17 or loss."

18 NEW SECTION. Section 12. Extension of authority. Any
 19 existing authority of the commissioner of insurance and the
 20 department of social and rehabilitation services to make
 21 rules on the subject of the provisions of this act is
 22 extended to the provisions of this act.

-End-

1 SENATE BILL NO. 210

2 INTRODUCED BY KEATING, BLAYLOCK, WEEDING, ECK

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4 A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING PROFESSIONAL
5 COUNSELORS' SERVICES IN THE DEFINITION OF MEDICAL ASSISTANCE
6 ESTABLISHED FOR MEDICAID; DEFINING PROFESSIONAL COUNSELORS
7 AS HEALTH CARE PROVIDERS FOR PURPOSES OF DISABILITY
8 INSURANCE AND HEALTH SERVICE CORPORATION PLANS; AMENDING
9 SECTIONS 33-1-104, 33-1-313, 33-1-317, 33-22-111, 33-22-702,
10 33-30-101, 33-30-111 THROUGH 33-30-113, AND 53-6-101, MCA;
11 AND REPEALING SECTION ~~36-33-1012~~ 33-30-1012, MCA."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Section 33-22-111, MCA, is amended to read:

15 "33-22-111. Policies to provide for freedom of choice
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17 All policies of disability insurance, including individual,
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19 payment of compensation under the Workers' Compensation Act
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21 in the selection of any duly licensed physician, dentist,
22 osteopath, chiropractor, optometrist, chiropodist,
23 psychologist, licensed social worker, licensed professional
24 counselor, or nurse specialist as specifically listed in
25 37-8-202 for treatment of any illness or injury within the

1 scope and limitations of his practice. Whenever such
2 policies insure against the expense of drugs, the insured
3 shall have full freedom of choice in the selection of any
4 duly licensed and registered pharmacist. ~~An insurer shall~~
5 ~~offer, at additional cost to the insured, the option of~~
6 ~~disability and health insurance coverage for services~~
7 ~~performed by a licensed professional counselor.~~

8 (2) Nothing in this section shall be construed as
9 enlarging the scope and limitations of practice of any of
10 the licensed professions enumerated in subsection (1); nor
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22 while confined as an inpatient and, with respect to major
23 medical policies or contracts, also includes those benefits
24 payable for charges made by a physician, as defined in the
25 policy or contract, for the necessary care and treatment of

1 mental illness, alcoholism, or drug addiction furnished to a
2 covered person while confined as a hospital inpatient.

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5 necessary care and treatment of mental illness, alcoholism,
6 or drug addiction furnished to a covered person while not
7 confined as a hospital inpatient;

8 (b) reasonable charges for services rendered or
9 prescribed by a physician for the necessary care and
10 treatment for mental illness, alcoholism, or drug addiction
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12 hospital inpatient;

13 (c) reasonable charges made by a mental health,
14 alcoholism, or drug addiction treatment center for the
15 necessary care and treatment of a covered person provided in
16 the treatment center; and

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18 licensed psychiatrist, psychologist, licensed professional
19 counselor, or licensed social worker.

20 (3) "Alcoholism treatment center" and "drug addiction
21 treatment center" mean a treatment facility which provides a
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25 the state, and which facility is also:

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2 agreement with an established system for patient referral;

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8 facility organized to provide care and treatment for mental
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11 interdisciplinary team, including a licensed physician,
12 psychiatric social worker, and psychologist, and which
13 facility is also:

14 (a) licensed as a mental health treatment center by
15 the state;

16 (b) funded or eligible for funding under federal or
17 state law; or

18 (c) affiliated with a hospital under a contractual
19 agreement with an established system for patient referral.

20 (5) "Mental illness" means neurosis, psychoneurosis,
21 psychopathy, psychosis, or personality disorder."

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24 following definitions apply:

25 (1) "Health service corporation" means a nonprofit

1 corporation organized or operating for the purposes of
 2 establishing and operating a nonprofit plan or plans under
 3 which prepaid hospital care, medical-surgical care, and
 4 other health care and services, or reimbursement therefor,
 5 may be furnished to a member or beneficiary.

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 7 services provided by hospitals or other health care
 8 institutions, organizations, associations, or groups and by
 9 doctors of medicine, osteopathy, dentistry, chiropractic,
 10 optometry, and podiatry; nursing services; licensed social
 11 worker, licensed professional counselor, or psychologist;
 12 medical appliances, equipment, and supplies; drugs,
 13 medicines, ambulance services, and other therapeutic
 14 services and supplies.

15 (3) "Membership contract" means any agreement,
 16 contract, or certificate by which a health service
 17 corporation describes the health services or benefits
 18 provided to its members or beneficiaries."

19 Section 4. Section 53-6-101, MCA, is amended to read:

20 "53-6-101. Definition of medical assistance. (1) The
 21 definition of medical assistance shall include:

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- 23 (b) outpatient hospital services;
- 24 (c) other laboratory and x-ray services;
- 25 (d) skilled nursing home services;

1 (e) physicians' services, whether furnished in the
 2 office, the patient's home, a hospital, a skilled nursing
 3 home, or elsewhere.

4 (2) It may also include, although not necessarily
 5 limited to, the following:

6 (a) medical care or any other type of remedial care
 7 recognized under state law, furnished by licensed
 8 practitioners within the scope of their practice as defined
 9 by state law;

10 (b) home health care services;

11 (c) private-duty nursing services;

12 (d) dental services;

13 (e) physical therapy and other related services;

14 (f) clinic services;

15 (g) services provided by social workers licensed under
 16 Title 37, chapter 22;

17 (h) services provided by professional counselors
 18 licensed under Title 37, chapter 23;

19 ~~(h)(i)~~ prescribed drugs, dentures, and prosthetic
 20 devices;

21 ~~(i)(j)~~ eyeglasses prescribed by a physician skilled in
 22 diseases of the eye or by an optometrist, whichever the
 23 individual may select;

24 ~~(j)(k)~~ other diagnostic, screening, preventive,
 25 rehabilitative, chiropractic, and osteopathic services;

1 ~~{*}(1)~~ any additional medical service or aid allowable
2 under or provided by the federal Social Security Act."

3 NEW SECTION. Section 5. Repealer. Section ~~30-33-1012~~
4 ~~33-30-1012~~, MCA, is repealed.

5 SECTION 6. SECTION 33-1-104, MCA, IS AMENDED TO READ:

6 "33-1-104. General penalty. Each violation of any
7 provision of this code, ~~except-33-30-1012~~, with respect to
8 which violation a greater penalty is not provided by other
9 applicable laws of this state shall, in addition to any
10 administrative penalty otherwise applicable thereto, upon
11 conviction in a court of competent jurisdiction of this
12 state be punishable by a fine of not less than \$50 or more
13 than \$1,000 or by imprisonment in the county jail for not
14 less than 30 days or more than 90 days or by both such fine
15 and imprisonment."

16 SECTION 7. SECTION 33-1-313, MCA, IS AMENDED TO READ:

17 "33-1-313. Rules -- notice, hearing, and penalty. (1)
18 The commissioner may make reasonable rules necessary for or
19 as an aid to effectuation of any provision of this code,
20 ~~except-33-30-1012~~. No such rule shall extend, modify, or
21 conflict with any law of this state or the reasonable
22 implications thereof. Any such rule affecting persons or
23 matters other than the personnel or the internal affairs of
24 the commissioner's office shall be made or amended only
25 after a hearing thereon of which notice was given as

1 required by 33-1-703. If reasonably possible the
2 commissioner shall set forth the proposed rule or amendment
3 in or with the notice of hearing. No such rule or amendment
4 as to which a hearing is required shall be effective until
5 it has been on file as a public record in the commissioner's
6 office for at least 10 days.

7 (2) In addition to any other penalty provided, willful
8 violation of any such rule shall subject the violator to
9 such administrative penalties as may be applicable under
10 this code as for violation of the provision as to which such
11 rule relates."

12 SECTION 8. SECTION 33-1-317, MCA, IS AMENDED TO READ:

13 "33-1-317. Penalty imposed by commissioner. The
14 commissioner may, after having conducted a hearing pursuant
15 to 33-1-701, impose a fine not to exceed the sum of \$5,000
16 upon a person found to have violated any provision of this
17 code, ~~except-33-30-1012~~, or regulation duly promulgated by
18 the commissioner, except that the fine imposed upon agents
19 or adjusters shall not exceed \$500. Said fine shall be in
20 addition to all other penalties imposed by the laws of this
21 state and shall be collected by the commissioner in the name
22 of the state of Montana. Imposition of any fine hereunder
23 shall be an order from which an appeal may be taken,
24 pursuant to the provisions of 33-1-711."

25 SECTION 9. SECTION 33-30-111, MCA, IS AMENDED TO READ:

1 "33-30-111. Notice of violation -- conference. If the
 2 commissioner shall for any reason have cause to believe that
 3 violation of this chapter, ~~except 33-30-1012~~, has occurred
 4 or is threatened, the commissioner may give written notice
 5 to the health service corporation and to the representatives
 6 or other persons who appear to be involved in the suspected
 7 violation to arrange a conference with the alleged violators
 8 or their authorized representative for the purpose of
 9 attempting to ascertain the facts relating to the suspected
 10 violation, and in the event it appears that a violation has
 11 occurred or is threatened, to arrive at an adequate and
 12 effective means of correcting or preventing the violation."

13 SECTION 10. SECTION 33-30-112, MCA, IS AMENDED TO
 14 READ:

15 "33-30-112. Cease and desist order. (1) The
 16 commissioner acting in the name of the state may issue an
 17 order directing a health service corporation or a
 18 representative of a health service corporation to cease and
 19 desist from engaging in any act or practice in violation of
 20 the provisions of this chapter, ~~except 33-30-1012~~.

21 (2) Within 15 days after service of the order of cease
 22 and desist, the respondent may request a hearing on the
 23 question of whether acts or practices in violation of this
 24 chapter have occurred. These hearings shall be conducted
 25 under the Montana Administrative Procedure Act."

1 SECTION 11. SECTION 33-30-113, MCA, IS AMENDED TO
 2 READ:

3 "33-30-113. Injunctive relief. In the case of any
 4 violation of the provisions of this chapter, ~~except~~
 5 ~~33-30-1012~~, if the commissioner elects not to issue a cease
 6 and desist order or in the event of noncompliance with a
 7 cease and desist order issued under this chapter, the
 8 commissioner may institute a proceeding to obtain injunctive
 9 relief, receivership, or other appropriate relief in the
 10 district court of the county in which the violation occurs
 11 or in which the principal place of business of the health
 12 service corporation is located. Any proceeding under this
 13 section shall conform to the requirements of Title 27,
 14 chapter 19 or 20, except that the commissioner shall not be
 15 required to allege facts tending to show the lack of an
 16 adequate remedy at law or tending to show irreparable damage
 17 or loss."

18 NEW SECTION. Section 12. Extension of authority. Any
 19 existing authority of the commissioner of insurance and the
 20 department of social and rehabilitation services to make
 21 rules on the subject of the provisions of this act is
 22 extended to the provisions of this act.

-End-

SENATE BILL NO. 210

INTRODUCED BY KEATING, BLAYLOCK, WEEDING, ECK

A BILL FOR AN ACT ENTITLED: "AN ACT ~~INCLUDING--PROFESSIONAL COUNSELORS--SERVICES-IN-THE-DEFINITION-OF-MEDICAL-ASSISTANCE ESTABLISHED--FOR--MEDICAID,~~ DEFINING PROFESSIONAL COUNSELORS AS HEALTH CARE PROVIDERS FOR PURPOSES OF DISABILITY INSURANCE AND HEALTH SERVICE CORPORATION PLANS; AMENDING SECTIONS 33-1-104, 33-1-313, 33-1-317, 33-22-111, 33-22-702, 33-30-101, AND 33-30-111 THROUGH 33-30-113, ~~AND--53-6-101,~~ MCA; AND REPEALING SECTION ~~30-33-101~~ 33-30-1012, MCA."

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

Section 1. Section 33-22-111, MCA, is amended to read:

"33-22-111. Policies to provide for freedom of choice of practitioners -- professional practice not enlarged. (1) All policies of disability insurance, including individual, group, and blanket policies, and all policies insuring the payment of compensation under the Workers' Compensation Act shall provide the insured shall have full freedom of choice in the selection of any duly licensed physician, dentist, osteopath, chiropractor, optometrist, chiropodist, psychologist, licensed social worker, licensed professional counselor, or nurse specialist as specifically listed in 37-8-202 for treatment of any illness or injury within the

scope and limitations of his practice. Whenever such policies insure against the expense of drugs, the insured shall have full freedom of choice in the selection of any duly licensed and registered pharmacist. ~~An insurer shall offer, at additional cost to the insured, the option of disability and health insurance coverage for services performed by a licensed professional counselor.~~

(2) Nothing in this section shall be construed as enlarging the scope and limitations of practice of any of the licensed professions enumerated in subsection (1); nor shall this section be construed as amending, altering, or repealing any statutes relating to the licensing or use of hospitals."

Section 2. Section 33-22-702, MCA, is amended to read:

"33-22-702. Definitions. For purposes of this part, the following definitions apply:

(1) "Inpatient hospital benefits" means benefits payable for charges made by a hospital or freestanding inpatient facility, as defined in the policy or contract, for the necessary care and treatment of mental illness, alcoholism, or drug addiction furnished to a covered person while confined as an inpatient and, with respect to major medical policies or contracts, also includes those benefits payable for charges made by a physician, as defined in the policy or contract, for the necessary care and treatment of



1 mental illness, alcoholism, or drug addiction furnished to a
2 covered person while confined as a hospital inpatient.

3 (2) "Outpatient benefits" means benefits payable for:

4 (a) reasonable charges made by a hospital for the
5 necessary care and treatment of mental illness, alcoholism,
6 or drug addiction furnished to a covered person while not
7 confined as a hospital inpatient;

8 (b) reasonable charges for services rendered or
9 prescribed by a physician for the necessary care and
10 treatment for mental illness, alcoholism, or drug addiction
11 furnished to a covered person while not confined as a
12 hospital inpatient;

13 (c) reasonable charges made by a mental health,
14 alcoholism, or drug addiction treatment center for the
15 necessary care and treatment of a covered person provided in
16 the treatment center; and

17 (d) reasonable charges for services rendered by a
18 licensed psychiatrist, psychologist, licensed professional
19 counselor, or licensed social worker.

20 (3) "Alcoholism treatment center" and "drug addiction
21 treatment center" mean a treatment facility which provides a
22 program for the treatment of alcoholism or drug addiction
23 pursuant to a written treatment plan approved and monitored
24 by a physician or chemical dependency counselor certified by
25 the state, and which facility is also:

1 (a) affiliated with a hospital under a contractual
2 agreement with an established system for patient referral;
3 or

4 (b) licensed or approved as an alcoholism or drug
5 addiction treatment center by the alcohol authority of the
6 state.

7 (4) "Mental health treatment center" means a treatment
8 facility organized to provide care and treatment for mental
9 illness through multiple modalities or techniques pursuant
10 to a written treatment plan approved and monitored by an
11 interdisciplinary team, including a licensed physician,
12 psychiatric social worker, and psychologist, and which
13 facility is also:

14 (a) licensed as a mental health treatment center by
15 the state;

16 (b) funded or eligible for funding under federal or
17 state law; or

18 (c) affiliated with a hospital under a contractual
19 agreement with an established system for patient referral.

20 (5) "Mental illness" means neurosis, psychoneurosis,
21 psychopathy, psychosis, or personality disorder."

22 Section 3. Section 33-30-101, MCA, is amended to read:
23 "33-30-101. Definitions. As used in this chapter, the
24 following definitions apply:

25 (1) "Health service corporation" means a nonprofit

1 corporation organized or operating for the purposes of
 2 establishing and operating a nonprofit plan or plans under
 3 which prepaid hospital care, medical-surgical care, and
 4 other health care and services, or reimbursement therefor,
 5 may be furnished to a member or beneficiary.

6 (2) "Health services" means the health care and
 7 services provided by hospitals or other health care
 8 institutions, organizations, associations, or groups and by
 9 doctors of medicine, osteopathy, dentistry, chiropractic,
 10 optometry, and podiatry; nursing services; licensed social
 11 worker, licensed professional counselor, or psychologist;
 12 medical appliances, equipment, and supplies; drugs,
 13 medicines, ambulance services, and other therapeutic
 14 services and supplies.

15 (3) "Membership contract" means any agreement,
 16 contract, or certificate by which a health service
 17 corporation describes the health services or benefits
 18 provided to its members or beneficiaries."

19 ~~Section 4, Section 53-6-101, MCA, is amended to read:~~
 20 ~~"53-6-101. Definition of medical assistance. (1) The~~
 21 ~~definition of medical assistance shall include:~~

- 22 (a) ~~inpatient hospital services;~~
 23 (b) ~~outpatient hospital services;~~
 24 (c) ~~other laboratory and x-ray services;~~
 25 (d) ~~skilled nursing home services;~~

1 (e) ~~physicians' services, whether furnished in the~~
 2 ~~office, the patient's home, a hospital, a skilled nursing~~
 3 ~~home, or elsewhere;~~

4 (2) ~~It may also include, although not necessarily~~
 5 ~~limited to, the following:~~

6 (a) ~~medical care or any other type of remedial care~~
 7 ~~recognized under state law, furnished by licensed~~
 8 ~~practitioners within the scope of their practice as defined~~
 9 ~~by state law;~~

10 (b) ~~home health care services;~~

11 (c) ~~private duty nursing services;~~

12 (d) ~~dental services;~~

13 (e) ~~physical therapy and other related services;~~

14 (f) ~~clinic services;~~

15 (g) ~~services provided by social workers licensed under~~
 16 ~~Title 37, chapter 22;~~

17 ~~(h) services provided by professional counselors~~
 18 ~~licensed under Title 37, chapter 23;~~

19 (i) ~~(i) prescribed drugs, dentures, and prosthetic~~
 20 ~~devices;~~

21 (i) ~~(j) eyeglasses prescribed by a physician skilled in~~
 22 ~~diseases of the eye or by an optometrist, whichever the~~
 23 ~~individual may select;~~

24 (j) ~~(k) other diagnostic, screening, preventive,~~
 25 ~~rehabilitative, chiropractic, and osteopathic services;~~

1 ~~{k}{i}~~--any-additional-medical-service-or-aid-allowable
2 under-or-provided-by-the-federal-Social-Security-Act."

3 NEW SECTION. Section 4. Repealer. Section ~~30-33-1012~~
4 ~~33-30-1012~~, MCA, is repealed.

5 SECTION 5. SECTION 33-1-104, MCA, IS AMENDED TO READ:

6 "33-1-104. General penalty. Each violation of any
7 provision of this code, ~~except-33-30-1012~~, with respect to
8 which violation a greater penalty is not provided by other
9 applicable laws of this state shall, in addition to any
10 administrative penalty otherwise applicable thereto, upon
11 conviction in a court of competent jurisdiction of this
12 state be punishable by a fine of not less than \$50 or more
13 than \$1,000 or by imprisonment in the county jail for not
14 less than 30 days or more than 90 days or by both such fine
15 and imprisonment."

16 SECTION 6. SECTION 33-1-313, MCA, IS AMENDED TO READ:

17 "33-1-313. Rules -- notice, hearing, and penalty. (1)
18 The commissioner may make reasonable rules necessary for or
19 as an aid to effectuation of any provision of this code,
20 ~~except-33-30-1012~~. No such rule shall extend, modify, or
21 conflict with any law of this state or the reasonable
22 implications thereof. Any such rule affecting persons or
23 matters other than the personnel or the internal affairs of
24 the commissioner's office shall be made or amended only
25 after a hearing thereon of which notice was given as

1 required by 33-1-703. If reasonably possible the
2 commissioner shall set forth the proposed rule or amendment
3 in or with the notice of hearing. No such rule or amendment
4 as to which a hearing is required shall be effective until
5 it has been on file as a public record in the commissioner's
6 office for at least 10 days.

7 (2) In addition to any other penalty provided, willful
8 violation of any such rule shall subject the violator to
9 such administrative penalties as may be applicable under
10 this code as for violation of the provision as to which such
11 rule relates."

12 SECTION 7. SECTION 33-1-317, MCA, IS AMENDED TO READ:

13 "33-1-317. Penalty imposed by commissioner. The
14 commissioner may, after having conducted a hearing pursuant
15 to 33-1-701, impose a fine not to exceed the sum of \$5,000
16 upon a person found to have violated any provision of this
17 code, ~~except--33-30-1012~~, or regulation duly promulgated by
18 the commissioner, except that the fine imposed upon agents
19 or adjusters shall not exceed \$500. Said fine shall be in
20 addition to all other penalties imposed by the laws of this
21 state and shall be collected by the commissioner in the name
22 of the state of Montana. Imposition of any fine hereunder
23 shall be an order from which an appeal may be taken,
24 pursuant to the provisions of 33-1-711."

25 SECTION 8. SECTION 33-30-111, MCA, IS AMENDED TO READ:

1 "33-30-111. Notice of violation -- conference. If the
 2 commissioner shall for any reason have cause to believe that
 3 violation of this chapter, ~~except-33-30-1012~~, has occurred
 4 or is threatened, the commissioner may give written notice
 5 to the health service corporation and to the representatives
 6 or other persons who appear to be involved in the suspected
 7 violation to arrange a conference with the alleged violators
 8 or their authorized representative for the purpose of
 9 attempting to ascertain the facts relating to the suspected
 10 violation, and in the event it appears that a violation has
 11 occurred or is threatened, to arrive at an adequate and
 12 effective means of correcting or preventing the violation."

13 SECTION 9. SECTION 33-30-112, MCA, IS AMENDED TO READ:

14 "33-30-112. Cease and desist order. (1) The
 15 commissioner acting in the name of the state may issue an
 16 order directing a health service corporation or a
 17 representative of a health service corporation to cease and
 18 desist from engaging in any act or practice in violation of
 19 the provisions of this chapter, ~~except-33-30-1012~~.

20 (2) Within 15 days after service of the order of cease
 21 and desist, the respondent may request a hearing on the
 22 question of whether acts or practices in violation of this
 23 chapter have occurred. These hearings shall be conducted
 24 under the Montana Administrative Procedure Act."

25 SECTION 10. SECTION 33-30-113, MCA, IS AMENDED TO

1 READ:

2 "33-30-113. Injunctive relief. In the case of any
 3 violation of the provisions of this chapter, ~~except~~
 4 ~~33-30-1012~~, if the commissioner elects not to issue a cease
 5 and desist order or in the event of noncompliance with a
 6 cease and desist order issued under this chapter, the
 7 commissioner may institute a proceeding to obtain injunctive
 8 relief, receivership, or other appropriate relief in the
 9 district court of the county in which the violation occurs
 10 or in which the principal place of business of the health
 11 service corporation is located. Any proceeding under this
 12 section shall conform to the requirements of Title 27,
 13 chapter 19 or 20, except that the commissioner shall not be
 14 required to allege facts tending to show the lack of an
 15 adequate remedy at law or tending to show irreparable damage
 16 or loss."

17 NEW SECTION. Section 11. Extension of authority. Any
 18 existing authority of the commissioner of insurance and the
 19 department of social and rehabilitation services to make
 20 rules on the subject of the provisions of this act is
 21 extended to the provisions of this act.

22 NEW SECTION. SECTION 12. COORDINATION INSTRUCTION. IF
 23 SENATE BILL NO. 120 AND THIS ACT ARE BOTH PASSED AND
 24 APPROVED, THE CODE COMMISSIONER SHALL ADD IN SENATE BILL NO.
 25 120 THE WORDS AND PUNCTUATION "LICENSED PROFESSIONAL

SB 0210/04

1 COUNSELOR, LICENSED" ON PAGE 2, LINE 18, FOLLOWING
2 "PSYCHOLOGIST,".

-End-

STANDING COMMITTEE REPORT

HOUSE

MARCH 18 19 87

Mr. Speaker: We, the committee on BUSINESS AND LABOR
report SENATE BILL NO. 210

do pass be concurred in as amended
 do not pass be not concurred in statement of intent attached



REP. LES KITSEIMAN Chairman

AMENDMENTS AS FOLLOWS:

1) Page 10, line 23

Following: line 22

Insert: "NEW SECTION. Section 13. Coordination instruction. If Senate Bill No. 120 and this act are both passed and approved, the code commissioner shall add in Senate Bill No. 120 the words and punctuation "licensed professional counselor, licensed" on page 2, line 18, following "psychologist".

9/13
Rep. Stella Jean Hansen will sponsor

THIRD reading copy (BLUE)
color

COMMITTEE OF THE WHOLE AMENDMENT

HOUSE

~~3-26-87~~
DATE

~~11:40~~
TIME

MR. CHAIRMAN: I MOVE TO AMEND SB 210

3rd reading copy (blue) as follows:
Color

1) Title, line 4.

Following: " "AN ACT "

Strike: "INCLUDING" through "MEDICAID;" on line 6

2) Title, line 10.

Following: "33-30-101,"

Insert: "AND"

Following: "33-30-113,"

Strike: "AND 53-6-101,"

3) Page 6, lines 17 and 18.

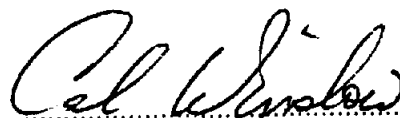
Strike: subsection (h) in its entirety

Renumber subsequent subsections

ADOPT

REJECT

3261140T.CW



Rep. Winslow