

HOUSE BILL 382

Introduced by Hansen, S., et al.

1/24	Introduced
1/25	Referred to Human Services & Aging
1/27	Hearing
2/16	Tabled in Committee

1 *House* BILL NO. *382*
 2 INTRODUCED BY *Stella Jean Hansen, Moore*
 3 *Erin Elliott*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT IT IS A
 5 VIOLATION OF THE MONTANA UNFAIR TRADE PRACTICES AND CONSUMER
 6 PROTECTION ACT FOR A HEALTH CARE PROVIDER TO REFUSE MEDICARE
 7 ASSIGNMENTS; REQUIRING POSTING OF THIS LAW IN THE PLACE OF
 8 BUSINESS OF EACH HEALTH CARE PROVIDER; AMENDING SECTION
 9 30-14-142, MCA; AND PROVIDING EFFECTIVE DATES."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 NEW SECTION. **Section 1.** Violation to refuse medicare
 13 assignment. (1) It is a violation of this part for a health
 14 care provider to refuse to accept medicare patients on the
 15 basis of an assignment made pursuant to 1842(b)(3)(B)(ii) of
 16 the federal Social Security Act (42 U.S.C.
 17 1395u(b)(3)(B)(ii)).

18 (2) For purposes of this section, a health care
 19 provider is a person or organization that provides goods or
 20 services that are subject to payment or reimbursement under
 21 the federal medicare program to individual medicare
 22 beneficiaries.

23 (3) Every health care provider shall post a copy of
 24 [this act] in a conspicuous area in his place of business.

25 **Section 2.** Section 30-14-142, MCA, is amended to read:

1 **"30-14-142. Penalties.** (1) A person who violates the
 2 terms of an injunction or temporary restraining order issued
 3 under 30-14-111 shall forfeit and pay to the state a civil
 4 penalty of not more than \$10,000 per violation. For the
 5 purposes of this section, the district court issuing an
 6 injunction or temporary restraining order retains
 7 jurisdiction and the cause shall be continued, and ~~in--such~~
 8 ~~cases~~ the department acting in the name of the state may
 9 petition for recovery of civil penalties.

10 (2) In an action brought under 30-14-111, if the court
 11 finds that a person is willfully using or has willfully used
 12 a method, act, or practice declared unlawful by 30-14-103,
 13 the department, upon petition to the court, may recover on
 14 behalf of the state a civil penalty of not more than \$500
 15 per violation.

16 (3) A person who engages in a fraudulent course of
 17 conduct declared unlawful by 30-14-103 or who violates the
 18 provisions of [section 1] shall upon conviction be fined not
 19 more than \$2,000, imprisoned for not more than 1 year, or
 20 both, in the discretion of the court. Nothing in this
 21 subsection limits any other provision of this part.

22 (4) For purposes of ~~this--section~~ subsection (2), a
 23 willful violation occurs when the party committing the
 24 violation knew or should have known that his conduct was a
 25 violation of 30-14-103."

1 NEW SECTION. **Section 3.** Extension of authority. Any
2 existing authority to make rules on the subject of the
3 provisions of [this act] is extended to the provisions of
4 [this act].

5 NEW SECTION. **Section 4.** Codification instruction.
6 [Section 1] is intended to be codified as an integral part
7 of Title 30, chapter 14, part 1, and the provisions of Title
8 30, chapter 14, part 1, apply to [section 1].

9 NEW SECTION. **Section 5.** Effective dates. (1) [Section
10 3 and this section] are effective on passage and approval.
11 (2) [Sections 1 and 2] are effective July 1, 1989.

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