

HOUSE BILL NO. 453

INTRODUCED BY CODY, COBB, MANNING, NISBET, SQUIRES,
MARKS, JACOBSON, MERCER, STRIZICH, HARPER, BOHARSKI,
GRINDE, J. BROWN, HANSEN, VINCENT, QUILICI

BY REQUEST OF THE DEPARTMENT OF
SOCIAL AND REHABILITATION SERVICES

IN THE HOUSE

JANUARY 26, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON APPROPRIATIONS.
JANUARY 27, 1989	FIRST READING.
FEBRUARY 3, 1989	ON MOTION BY CHIEF SPONSOR, REPRESENTATIVES NISBET, SQUIRES, MARKS, MERCER, STRIZICH, HARPER, BOHARSKI, GRINDE, J. BROWN, HANSEN, VINCENT, AND QUILICI; AND SENATORS MANNING AND JACOBSON ADDED AS SPONSORS.
FEBRUARY 16, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
MARCH 1, 1989	PRINTING REPORT.
MARCH 2, 1989	SECOND READING, DO PASS.
MARCH 3, 1989	ENGROSSING REPORT.
MARCH 4, 1989	THIRD READING, PASSED. AYES, 89; NOES, 4.
	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 6, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS.
	FIRST READING.
MARCH 10, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

MARCH 11, 1989

SECOND READING, CONCURRED IN.

MARCH 14, 1989

THIRD READING, CONCURRED IN.
AYES, 49; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 15, 1989

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 453
 2 INTRODUCED BY Cory Cobb
 3 BY REQUEST OF THE DEPARTMENT OF
 4 SOCIAL AND REHABILITATION SERVICES

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ELIGIBILITY
 7 FOR THE MONTANA MEDICAID PROGRAM TO CONFORM WITH FEDERAL
 8 REQUIREMENTS FOR STATE MEDICAID PARTICIPATION; REMOVING THE
 9 AUTHORITY OF COUNTY WELFARE BOARDS TO REVIEW MEDICAID
 10 ELIGIBILITY DETERMINATIONS; AMENDING SECTIONS 53-6-113,
 11 53-6-131, 53-6-133, AND 53-6-141, MCA; AND PROVIDING
 12 EFFECTIVE DATES."

14 STATEMENT OF INTENT

15 A statement of intent is required for this bill because
 16 it amends 53-6-113 to authorize the department of social and
 17 rehabilitation services to adopt rules to govern eligibility
 18 for the Montana medicaid program.

19 It is the intent of the legislature that the department
 20 adopt rules for eligibility that comply with federal
 21 requirements under Title XIX of the federal Social Security
 22 Act (42 U.S.C. 1396, et seq.) and 42 CFR 430 through 498.
 23 The rules of the department should address the standards of
 24 eligibility for the Montana medicaid program, including
 25 income and resource criteria, treatment of resources,

1 specification of groups eligible to receive medicaid, and
 2 all other considerations described in 53-6-113(2) through
 3 (4).
 4

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

6 **Section 1.** Section 53-6-131, MCA, is amended to read:

7 "53-6-131. Eligibility requirements. (1) Medical
 8 assistance under the Montana medicaid program may be granted
 9 to a person who resides in the state of Montana, including a
 10 resident temporarily absent from the state and who meets the
 11 requirements of one or more of the following categories:

12 (a) he receives all or part of his income from
 13 federally funded supplemental security income assistance or
 14 aid to families with dependent children;

15 (b) upon application, he would be eligible for
 16 financial assistance under any one of the federally aided
 17 programs referred to above;

18 (c) he would be entitled to financial assistance under
 19 one of the federally aided categories except that he does
 20 not meet the durational residence requirements or relative
 21 responsibility requirements of any of the public assistance
 22 programs above enumerated;

23 (d) he is in a medical institution and if he were no
 24 longer in such institution he would be eligible for
 25 financial assistance under one of the above programs;

(e) he is under 21 years of age and meets the conditions of eligibility in the state's plan for aid to families with dependent children, other than with respect to school attendance;

(f) he is under 21 years of age and in foster care under the supervision of the state;

(g) he has income less than 133 1/3% of the amounts specified as maximum income levels for federally aided categories of assistance;

(h) he is under 21 years of age and medically needy, as defined by the department of social and rehabilitation services; or

(i) he is under 21 years of age, was in foster care under the supervision of the state, and has been adopted as a "hard-to-place" child;

(2) The department of social and rehabilitation services may by rule establish more restrictive property ownership eligibility criteria than required by federal law for federally aided categories of public assistance, is determined by the department of social and rehabilitation services to be eligible as follows:

(a) The person receives or is considered to be receiving supplemental security income benefits under Title XVI of the federal Social Security Act (42 U.S.C. 1381, et seq.) or aid to families with dependent children under Title

IV of the federal Social Security Act (42 U.S.C. 601, et seq.).

(b) The person would be eligible for assistance under a program described in subsection (1)(a) if he were to apply for such assistance.

(c) The person is in a medical facility that is a medicaid provider and, but for residence in the facility, he would be receiving assistance under one of the programs in subsection (1)(a).

(d) The person is under 19 years of age and meets the conditions of eligibility in the state plan for aid to families with dependent children, other than with respect to school attendance.

(e) The person is under 21 years of age and in foster care under the supervision of the state or was in foster care under the supervision of the state and has been adopted as a hard-to-place child.

(f) The person meets the nonfinancial criteria of the categories in subsections (1)(a) through (1)(e) and:

(i) the person's income does not exceed the medically needy income level specified for federally aided categories of assistance and his resources are within the resource standards of the federal supplemental security income program; or

(ii) the person, while having income greater than the

medically needy income level specified for federally aided categories of assistance, has an adjusted income level, after incurring medical expenses, that does not exceed the medically needy income level specified for federally aided categories of assistance and his resources are within the resource standards of the federal supplemental security income program.

(g) The person is under 1 year of age and:

(i) has income that does not exceed income standards as may be required by the federal Social Security Act; and

(ii) has resources that do not exceed standards the department determines reasonable for purposes of the program.

(2) A person who is pregnant is eligible for pregnancy-related medical assistance under the Montana medicaid program if she:

(a) has income that does not exceed income standards as may be required by the federal Social Security Act; and

(b) has resources that do not exceed standards the department determines reasonable for purposes of the program.

(3) The Montana medicaid program shall pay for the premiums necessary for participation in the medicare program and may, within the discretion of the department, pay all or a portion of the medicare deductibles and coinsurance for a

medicare-eligible person who:

(a) has income that does not exceed income standards as may be required by the federal Social Security Act; and

(b) has resources that do not exceed standards the department determines reasonable for purposes of the program.

(4) The department, under the Montana medicaid program, may provide, if a waiver is not available from the federal government, medicaid and other assistance mandated by Title XIX of the federal Social Security Act (42 U.S.C. 1396 et seq.), as may be amended, and not specifically listed in this part to categories of persons that may be designated by the act for receipt of assistance."

Section 2. Section 53-6-133, MCA, is amended to read:

"53-6-133. Investigation and determination of eligibility. (1) The county department shall promptly investigate and determine the eligibility of each applicant under this part in accordance with the rules of the department of social and rehabilitation services. Each applicant shall be informed of his right to a fair hearing and of the confidential nature of the information given. The county department shall determine whether or not the applicant is eligible for assistance under this part, and aid shall be furnished promptly to eligible persons. ~~The county-public-welfare-board-shall-review--the--determination~~

1 ~~of--the--eligibility--or--noneligibility--made-by-the-county~~
 2 ~~department:~~ Each applicant shall receive written notice of
 3 the decision concerning his application, and right of appeal
 4 shall be secured to the applicant under the procedures of
 5 53-2-606.

6 (2) The county departments of public welfare and the
 7 department of social and rehabilitation services are hereby
 8 authorized to accept the federal social security
 9 administration's determination of eligibility for
 10 supplemental security income, Title XVI of the Social
 11 Security Act, as qualifying such eligible individuals to
 12 receive medical assistance under this part."

13 **Section 3.** Section 53-6-141, MCA, is amended to read:

14 "53-6-141. Amount, scope, and duration of assistance.

15 (1) The amount, scope, and duration of medical assistance
 16 granted eligible persons shall be determined by the
 17 department of social and rehabilitation services. Payments
 18 on behalf of persons in state-operated institutions shall be
 19 made only from funds appropriated specifically for this
 20 purpose, as such funds are available.

21 (2) If available funds are not sufficient to provide
 22 medical care for all eligible persons, the department shall
 23 have the authority to set priorities to limit, reduce, or
 24 otherwise curtail the amount, scope, or duration of the
 25 medical care and services made available.

1 ~~{3}--For-the-purpose--of--determining--eligibility--and~~
 2 ~~amount--of--assistance--to--be--granted--to--those--individuals~~
 3 ~~covered-in-subsections-(1)(g)-and-(1)(h)--of--53-6-131,--the~~
 4 ~~department-shall-establish-a-maintenance-standard."~~

5 **Section 4.** Section 53-6-113, MCA, is amended to read:

6 "53-6-113. Department to adopt rules. (1) The
 7 department of social and rehabilitation services shall adopt
 8 appropriate rules not inconsistent with this part to
 9 administer and supervise the program uniformly throughout
 10 the state and shall define medical assistance by rules.
 11 Medical assistance shall be furnished through payments to
 12 providers of services and supplies as contemplated in this
 13 part.

14 (2) The department may adopt rules consistent with
 15 this part to govern eligibility for the Montana medicaid
 16 program. Rules may include but are not limited to financial
 17 standards and criteria for income and resources, treatment
 18 of resources, nonfinancial criteria, family
 19 responsibilities, residency, application, termination,
 20 definition of terms, and confidentiality of applicant and
 21 recipient information.

22 (3) The department may adopt rules limiting
 23 eligibility based on criteria more restrictive than that
 24 provided in 53-6-131 if required by Title XIX of the federal
 25 Social Security Act (42 U.S.C. 1396, et seq.), as may be

1 amended, or if funds appropriated are not sufficient to
2 provide medical care for all eligible persons."

3 NEW SECTION. Section 5. Extension of authority. Any
4 existing authority to make rules on the subject of the
5 provisions of [this act] is extended to the provisions of
6 [this act].

7 NEW SECTION. Section 6. Effective dates. (1)
8 [Sections 4 and 5 and this section] are effective on passage
9 and approval.

10 (2) [Sections 1 through 3] are effective July 1, 1989.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB453, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act revising eligibility for the Montana medicaid program to conform with federal requirements for state medicaid participation; removing the authority of county welfare boards to review medicaid eligibility determinations; amending sections 53-6-113, 53-6-133, and 53-6-141, MCA; and providing effective dates.

ASSUMPTIONS:

There is no fiscal impact for this bill as it does not change the eligibility criteria or standards for medicaid. It removes the authority of county welfare boards to review medicaid eligibility determinations.

Ray Shackelford

2/2/89

RAY SHACKLEFORD, BUDGET DIRECTOR DATE
OFFICE OF BUDGET AND PROGRAM PLANNING

Dorothy A. Cody

2/04/89

DOROTHY CODY, PRIMARY SPONSOR DATE

Fiscal Note for HB453, as introduced

HB 453

APPROVED BY COMMITTEE
ON APPROPRIATIONS

HOUSE BILL NO. 453

INTRODUCED BY CODY, COBB, MANNING, NISBET, SQUIRES,
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FOR THE MONTANA MEDICAID PROGRAM TO CONFORM WITH FEDERAL
REQUIREMENTS FOR STATE MEDICAID PARTICIPATION; REMOVING THE
AUTHORITY OF COUNTY WELFARE BOARDS TO REVIEW MEDICAID
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STATEMENT OF INTENT

A statement of intent is required for this bill because
it amends 53-6-113 to authorize the department of social and
rehabilitation services to adopt rules to govern eligibility
for the Montana medicaid program.

It is the intent of the legislature that the department
adopt rules for eligibility that comply with federal
requirements under Title XIX of the federal Social Security
Act (42 U.S.C. 1396, et seq.) and 42 CFR 430 through 498.
The rules of the department should address the standards of

eligibility for the Montana medicaid program, including
income and resource criteria, treatment of resources,
specification of groups eligible to receive medicaid, and
all other considerations described in 53-6-113(2) through
(4).

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assistance under the Montana medicaid program may be granted
to a person who ~~resides in the state of Montana, including a~~
~~resident temporarily absent from the state and who meets the~~
~~requirements of one or more of the following categories:~~

~~(a) he receives all or part of his income from~~
~~federally funded supplemental security income assistance or~~
~~aid to families with dependent children;~~

~~(b) upon application, he would be eligible for~~
~~financial assistance under any one of the federally aided~~
~~programs referred to above;~~

~~(c) he would be entitled to financial assistance under~~
~~one of the federally aided categories except that he does~~
~~not meet the durational residence requirements or relative~~
~~responsibility requirements of any of the public assistance~~
~~programs above enumerated;~~

~~(d) he is in a medical institution and if he were no~~

longer--in--such--institution--he--would--be--eligible---for
financial--assistance--under--one--of--the--above--programs;

{e}--he--is--under--21--years--of--age--and--meets--the
conditions--of--eligibility--in--the--state's--plan--for--aid--to
families--with--dependent--children; other--than--with--respect--to
school--attendance;

{f}--he--is--under--21--years--of--age--and--in--foster--care
under--the--supervision--of--the--state;

{g}--he--has--income--less--than--133-1/3%--of--the--amounts
specified--as--maximum--income--levels--for--federally--aided
categories--of--assistance;

{h}--he--is--under--21--years--of--age--and--medically--needy;
as--defined--by--the--department--of--social--and--rehabilitation
services; or

{i}--he--is--under--21--years--of--age; was--in--foster--care
under--the--supervision--of--the--state; and--has--been--adopted--as
a--"hard-to-place"--child.

{2}--The--department--of--social--and--rehabilitation
services--may--by--rule--establish--more--restrictive--property
ownership--eligibility--criteria--than--required--by--federal--law
for--federally--aided--categories--of--public--assistance; is
determined by the department of social and rehabilitation
services to be eligible as follows:

(a) The person receives or is considered to be
receiving supplemental security income benefits under Title

XVI of the federal Social Security Act (42 U.S.C. 1381, et
seq.) or aid to families with dependent children under Title
IV of the federal Social Security Act (42 U.S.C. 601, et
seq.).

(b) The person would be eligible for assistance under
a program described in subsection (1)(a) if he were to apply
for such assistance.

(c) The person is in a medical facility that is a
medicaid provider and, but for residence in the facility, he
would be receiving assistance under one of the programs in
subsection (1)(a).

(d) The person is under 19 years of age and meets the
conditions of eligibility in the state plan for aid to
families with dependent children, other than with respect to
school attendance.

(e) The person is under 21 years of age and in foster
care under the supervision of the state or was in foster
care under the supervision of the state and has been adopted
as a hard-to-place child.

(f) The person meets the nonfinancial criteria of the
categories in subsections (1)(a) through (1)(e) and:

(i) the person's income does not exceed the medically
needy income level specified for federally aided categories
of assistance and his resources are within the resource
standards of the federal supplemental security income

1 program; or

2 (ii) the person, while having income greater than the
 3 medically needy income level specified for federally aided
 4 categories of assistance, has an adjusted income level,
 5 after incurring medical expenses, that does not exceed the
 6 medically needy income level specified for federally aided
 7 categories of assistance and his resources are within the
 8 resource standards of the federal supplemental security
 9 income program.

10 (g) The person is under 1 year of age and:

11 (i) has income that does not exceed income standards
 12 as may be required by the federal Social Security Act; and
 13 (ii) has resources that do not exceed standards the
 14 department determines reasonable for purposes of the
 15 program.

16 (2) A person who is pregnant is eligible for
 17 pregnancy-related medical assistance under the Montana
 18 medicaid program if she:

19 (a) has income that does not exceed income standards
 20 as may be required by the federal Social Security Act; and

21 (b) has resources that do not exceed standards the
 22 department determines reasonable for purposes of the
 23 program.

24 (3) The Montana medicaid program shall pay for the
 25 premiums necessary for participation in the medicare program

1 and may, within the discretion of the department, pay all or
 2 a portion of the medicare deductibles and coinsurance for a
 3 medicare-eligible person who:

4 (a) has income that does not exceed income standards
 5 as may be required by the federal Social Security Act; and

6 (b) has resources that do not exceed standards the
 7 department determines reasonable for purposes of the
 8 program.

9 (4) The department, under the Montana medicaid
 10 program, may provide, if a waiver is not available from the
 11 federal government, medicaid and other assistance mandated
 12 by Title XIX of the federal Social Security Act (42 U.S.C.
 13 1396 et seq.), as may be amended, and not specifically
 14 listed in this part to categories of persons that may be
 15 designated by the act for receipt of assistance."

16 **Section 2.** Section 53-6-133, MCA, is amended to read:

17 **"53-6-133. Investigation and determination of**
 18 **eligibility. (1) The county department shall promptly**
 19 **investigate and determine the eligibility of each applicant**
 20 **under this part in accordance with the rules of the**
 21 **department of social and rehabilitation services. Each**
 22 **applicant shall be informed of his right to a fair hearing**
 23 **and of the confidential nature of the information given. The**
 24 **county department shall determine whether or not the**
 25 **applicant is eligible for assistance under this part, and**

aid shall be furnished promptly to eligible persons. The county-public-welfare-board-shall-review--the--determination of--the--eligibility--or--noneligibility--made-by-the-county department. Each applicant shall receive written notice of the decision concerning his application, and right of appeal shall be secured to the applicant under the procedures of 53-2-606.

(2) The county departments of public welfare and the department of social and rehabilitation services are hereby authorized to accept the federal social security administration's determination of eligibility for supplemental security income, Title XVI of the Social Security Act, as qualifying such eligible individuals to receive medical assistance under this part."

Section 3. Section 53-6-141, MCA, is amended to read:

"53-6-141. Amount, scope, and duration of assistance.

(1) The amount, scope, and duration of medical assistance granted eligible persons shall be determined by the department of social and rehabilitation services. Payments on behalf of persons in state-operated institutions shall be made only from funds appropriated specifically for this purpose, as such funds are available.

(2) If available funds are not sufficient to provide medical care for all eligible persons, the department shall have the authority to set priorities to limit, reduce, or

otherwise curtail the amount, scope, or duration of the medical care and services made available.

~~(3) For the purpose of determining eligibility and amount of assistance to be granted to those individuals covered in subsections (1)(g) and (1)(h) of 53-6-131, the department shall establish a maintenance standard."~~

Section 4. Section 53-6-113, MCA, is amended to read:

"53-6-113. Department to adopt rules. (1) The department of social and rehabilitation services shall adopt appropriate rules not inconsistent with this part to administer and supervise the program uniformly throughout the state and shall define medical assistance by rules. Medical assistance shall be furnished through payments to providers of services and supplies as contemplated in this part.

(2) The department may adopt rules consistent with this part to govern eligibility for the Montana medicaid program. Rules may include but are not limited to financial standards and criteria for income and resources, treatment of resources, nonfinancial criteria, family responsibilities, residency, application, termination, definition of terms, and confidentiality of applicant and recipient information.

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1 provided in 53-6-131 if required by Title XIX of the federal
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3 amended, or if funds appropriated are not sufficient to
4 provide medical care for all eligible persons."

5 NEW SECTION. **Section 5.** Extension of authority. Any
6 existing authority to make rules on the subject of the
7 provisions of [this act] is extended to the provisions of
8 [this act].

9 NEW SECTION. **Section 6.** Effective dates. (1)
10 [Sections 4 and 5 and this section] are effective on passage
11 and approval.

12 (2) [Sections 1 through 3] are effective July 1, 1989.

-End-

1 HOUSE BILL NO. 453

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2 a portion of the medicare deductibles and coinsurance for a
3 medicare-eligible person who:

4 (a) has income that does not exceed income standards
5 as may be required by the federal Social Security Act; and

6 (b) has resources that do not exceed standards the
7 department determines reasonable for purposes of the
8 program.

9 (4) The department, under the Montana medicaid
10 program, may provide, if a waiver is not available from the
11 federal government, medicaid and other assistance mandated
12 by Title XIX of the federal Social Security Act (42 U.S.C.
13 1396 et seq.), as may be amended, and not specifically
14 listed in this part to categories of persons that may be
15 designated by the act for receipt of assistance."

16 **Section 2.** Section 53-6-133, MCA, is amended to read:

17 **"53-6-133. Investigation and determination of**
18 **eligibility. (1) The county department shall promptly**
19 **investigate and determine the eligibility of each applicant**
20 **under this part in accordance with the rules of the**
21 **department of social and rehabilitation services. Each**
22 **applicant shall be informed of his right to a fair hearing**
23 **and of the confidential nature of the information given. The**
24 **county department shall determine whether or not the**
25 **applicant is eligible for assistance under this part, and**

1 aid shall be furnished promptly to eligible persons. The
 2 ~~county-public-welfare-board-shall-review--the--determination~~
 3 ~~of--the--eligibility--or--noneligibility--made-by-the-county~~
 4 ~~department.~~ Each applicant shall receive written notice of
 5 the decision concerning his application, and right of appeal
 6 shall be secured to the applicant under the procedures of
 7 53-2-606.

8 (2) The county departments of public welfare and the
 9 department of social and rehabilitation services are hereby
 10 authorized to accept the federal social security
 11 administration's determination of eligibility for
 12 supplemental security income, Title XVI of the Social
 13 Security Act, as qualifying such eligible individuals to
 14 receive medical assistance under this part."

15 **Section 3.** Section 53-6-141, MCA, is amended to read:

16 "53-6-141. Amount, scope, and duration of assistance.

17 (1) The amount, scope, and duration of medical assistance
 18 granted eligible persons shall be determined by the
 19 department of social and rehabilitation services. Payments
 20 on behalf of persons in state-operated institutions shall be
 21 made only from funds appropriated specifically for this
 22 purpose, as such funds are available.

23 (2) If available funds are not sufficient to provide
 24 medical care for all eligible persons, the department shall
 25 have the authority to set priorities to limit, reduce, or

1 otherwise curtail the amount, scope, or duration of the
 2 medical care and services made available.

3 ~~†3†--For-the-purpose--of--determining--eligibility--and~~
 4 ~~amount--of--assistance--to--be--granted-to-those-individuals~~
 5 ~~covered-in-subsections-(†)(g)-and-(†)(h)--of--53-6-13†--the~~
 6 ~~department-shall-establish-a-maintenance-standard."~~

7 **Section 4.** Section 53-6-113, MCA, is amended to read:

8 "53-6-113. Department to adopt rules. (1) The
 9 department of social and rehabilitation services shall adopt
 10 appropriate rules not inconsistent with this part to
 11 administer and supervise the program uniformly throughout
 12 the state and shall define medical assistance by rules.
 13 Medical assistance shall be furnished through payments to
 14 providers of services and supplies as contemplated in this
 15 part.

16 (2) The department may adopt rules consistent with
 17 this part to govern eligibility for the Montana medicaid
 18 program. Rules may include but are not limited to financial
 19 standards and criteria for income and resources, treatment
 20 of resources, nonfinancial criteria, family
 21 responsibilities, residency, application, termination,
 22 definition of terms, and confidentiality of applicant and
 23 recipient information.

24 (3) The department may adopt rules limiting
 25 eligibility based on criteria more restrictive than that

1 provided in 53-6-131 as required by Title XIX of the federal
2 Social Security Act (42 U.S.C. 1396, et seq.), as may be
3 amended, or if funds appropriated are not sufficient to
4 provide medical care for all eligible persons."

5 NEW SECTION. Section 5. Extension of authority. Any
6 existing authority to make rules on the subject of the
7 provisions of [this act] is extended to the provisions of
8 [this act].

9 NEW SECTION. Section 6. Effective dates. (1)
10 [Sections 4 and 5 and this section] are effective on passage
11 and approval.

12 (2) [Sections 1 through 3] are effective July 1, 1989.

-End-

HOUSE BILL NO. 453

INTRODUCED BY CODY, COBB, MANNING, NISBET, SQUIRES,
MARKS, JACOBSON, MERCER, STRIZICH, HARPER, BOHARSKI,
GRINDE, J. BROWN, HANSEN, VINCENT, QUILICI

BY REQUEST OF THE DEPARTMENT OF
SOCIAL AND REHABILITATION SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ELIGIBILITY
FOR THE MONTANA MEDICAID PROGRAM TO CONFORM WITH FEDERAL
REQUIREMENTS FOR STATE MEDICAID PARTICIPATION; REMOVING THE
AUTHORITY OF COUNTY WELFARE BOARDS TO REVIEW MEDICAID
ELIGIBILITY DETERMINATIONS; AMENDING SECTIONS 53-6-113,
53-6-131, 53-6-133, AND 53-6-141, MCA; AND PROVIDING
EFFECTIVE DATES."

STATEMENT OF INTENT

A statement of intent is required for this bill because
it amends 53-6-113 to authorize the department of social and
rehabilitation services to adopt rules to govern eligibility
for the Montana medicaid program.

It is the intent of the legislature that the department
adopt rules for eligibility that comply with federal
requirements under Title XIX of the federal Social Security
Act (42 U.S.C. 1396, et seq.) and 42 CFR 430 through 498.
The rules of the department should address the standards of

eligibility for the Montana medicaid program, including
income and resource criteria, treatment of resources,
specification of groups eligible to receive medicaid, and
all other considerations described in 53-6-113(2) through
(4).

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

Section 1. Section 53-6-131, MCA, is amended to read:

"53-6-131. Eligibility requirements. (1) Medical
assistance under the Montana medicaid program may be granted
to a person who resides-in-the-state-of-Montana,-including-a
resident-temporarily-absent-from-the-state-and-who-meets-the
requirements-of-one-or-more-of-the-following-categories:

(a)--he--receives--all--or--part--of--his--income--from
federally--funded-supplemental-security-income-assistance-or
aid-to-families-with-dependent-children;

(b)--upon--application--he--would--be---eligible---for
financial--assistance--under--any-one-of-the-federally-aided
programs-referred-to-above;

(c)--he-would-be-entitled-to-financial-assistance-under
one-of-the-federally-aided-categories-except--that--he--does
not--meet--the-duration-of-residence-requirements-or-relative
responsibility-requirements-of-any-of-the-public--assistance
programs-above-enumerated;

(d)--he--is--in-a-medical-institution-and-if-he-were-no



1 longer--in--such--institution--he--would--be--eligible---for
 2 financial--assistance--under--one--of--the--above--programs;
 3 {e}--he--is--under--21--years--of--age--and--meets--the
 4 conditions--of--eligibility--in--the--state's--plan--for--aid--to
 5 families--with--dependent--children;--other--than--with--respect--to
 6 school--attendance;
 7 {f}--he--is--under--21--years--of--age--and--in--foster--care
 8 under--the--supervision--of--the--state;
 9 {g}--he--has--income--less--than--133-1/3%--of--the--amounts
 10 specified--as--maximum--income--levels--for--federally--aided
 11 categories--of--assistance;
 12 {h}--he--is--under--21--years--of--age--and--medically--needy,
 13 as--defined--by--the--department--of--social--and--rehabilitation
 14 services;--or
 15 {i}--he--is--under--21--years--of--age;--was--in--foster--care
 16 under--the--supervision--of--the--state;--and--has--been--adopted--as
 17 a--"hard-to-place"--child;
 18 {2}--The--department--of--social--and--rehabilitation
 19 services--may--by--rule--establish--more--restrictive--property
 20 ownership--eligibility--criteria--than--required--by--federal--law
 21 for--federally--aided--categories--of--public--assistance: is
 22 determined by the department of social and rehabilitation
 23 services to be eligible as follows:
 24 (a) The person receives or is considered to be
 25 receiving supplemental security income benefits under Title

1 XVI of the federal Social Security Act (42 U.S.C. 1381, et
 2 seq.) or aid to families with dependent children under Title
 3 IV of the federal Social Security Act (42 U.S.C. 601, et
 4 seq.).
 5 (b) The person would be eligible for assistance under
 6 a program described in subsection (1)(a) if he were to apply
 7 for such assistance.
 8 (c) The person is in a medical facility that is a
 9 medicaid provider and, but for residence in the facility, he
 10 would be receiving assistance under one of the programs in
 11 subsection (1)(a).
 12 (d) The person is under 19 years of age and meets the
 13 conditions of eligibility in the state plan for aid to
 14 families with dependent children, other than with respect to
 15 school attendance.
 16 (e) The person is under 21 years of age and in foster
 17 care under the supervision of the state or was in foster
 18 care under the supervision of the state and has been adopted
 19 as a hard-to-place child.
 20 (f) The person meets the nonfinancial criteria of the
 21 categories in subsections (1)(a) through (1)(e) and:
 22 (i) the person's income does not exceed the medically
 23 needy income level specified for federally aided categories
 24 of assistance and his resources are within the resource
 25 standards of the federal supplemental security income

1 program; or

2 (ii) the person, while having income greater than the
 3 medically needy income level specified for federally aided
 4 categories of assistance, has an adjusted income level,
 5 after incurring medical expenses, that does not exceed the
 6 medically needy income level specified for federally aided
 7 categories of assistance and his resources are within the
 8 resource standards of the federal supplemental security
 9 income program.

10 (g) The person is under 1 year of age and:

11 (i) has income that does not exceed income standards
 12 as may be required by the federal Social Security Act; and

13 (ii) has resources that do not exceed standards the
 14 department determines reasonable for purposes of the
 15 program.

16 (2) A person who is pregnant is eligible for
 17 pregnancy-related medical assistance under the Montana
 18 medicaid program if she:

19 (a) has income that does not exceed income standards
 20 as may be required by the federal Social Security Act; and

21 (b) has resources that do not exceed standards the
 22 department determines reasonable for purposes of the
 23 program.

24 (3) The Montana medicaid program shall pay for the
 25 premiums necessary for participation in the medicare program

1 and may, within the discretion of the department, pay all or
 2 a portion of the medicare deductibles and coinsurance for a
 3 medicare-eligible person who:

4 (a) has income that does not exceed income standards
 5 as may be required by the federal Social Security Act; and

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 7 department determines reasonable for purposes of the
 8 program.

9 (4) The department, under the Montana medicaid
 10 program, may provide, if a waiver is not available from the
 11 federal government, medicaid and other assistance mandated
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 23 and of the confidential nature of the information given. The
 24 county department shall determine whether or not the
 25 applicant is eligible for assistance under this part, and

1 aid shall be furnished promptly to eligible persons. The
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 3 of--the--eligibility--or--noneligibility--made-by-the-county
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