

HOUSE BILL NO. 773

INTRODUCED BY WYATT, BLAYLOCK, STICKNEY, BROOKE, DARKO,
MCCORMICK, MCDONOUGH, STRIZICH, REAM, SQUIRES,
O'CONNELL, BRADLEY

IN THE HOUSE

MARCH 11, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON APPROPRIATIONS.
	FIRST READING.
MARCH 18, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
MARCH 20, 1989	PRINTING REPORT.
	SECOND READING, DO PASS.
MARCH 21, 1989	ENGROSSING REPORT.
MARCH 22, 1989	THIRD READING, PASSED. AYES, 94; NOES, 3.
	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 22, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS.
	FIRST READING.

IN THE HOUSE

APRIL 8, 1989	ON MOTION, RULES SUSPENDED TO ALLOW TRANSMITTAL AFTER 83RD DAY.
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IN THE SENATE

APRIL 15, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
APRIL 18, 1989	SECOND READING, CONCURRED IN AS

AMENDED.

APRIL 19, 1989

THIRD READING, CONCURRED IN.
AYES, 50; NOES, 0.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 20, 1989

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 773
 2 INTRODUCED BY Wyatt Brock Kistner Bradle
 3 O'Connell McConick McDonald Ste Ream Green
 4 A BILL FOR AN ACT ENTITLED: "THE MONTANA INITIATIVE FOR THE
 5 ABATEMENT OF MORTALITY IN INFANTS (MIAMI) ACT; ESTABLISHING
 6 A MIAMI PROJECT TO ASSURE THAT MOTHERS AND CHILDREN RECEIVE
 7 ACCESS TO QUALITY MATERNAL AND CHILD HEALTH SERVICES, TO
 8 REDUCE INFANT MORTALITY AND THE NUMBER OF LOW BIRTHWEIGHT
 9 BABIES, AND TO PREVENT THE INCIDENCE OF CHILDREN BORN WITH
 10 CHRONIC ILLNESSES, BIRTH DEFECTS, OR SEVERE DISABILITIES AS
 11 A RESULT OF INADEQUATE PRENATAL CARE; PROVIDING MEDICAID
 12 ELIGIBILITY TO PREGNANT WOMEN AND TO INFANTS WHOSE FAMILY
 13 INCOME DOES NOT EXCEED THE FEDERAL POVERTY THRESHOLD;
 14 ALLOWING AMBULATORY PRENATAL CARE FOR PREGNANT WOMEN DURING
 15 A PRESUMPTIVE ELIGIBILITY PERIOD; APPROPRIATING FUNDS;
 16 AMENDING SECTIONS 53-6-101 AND 53-6-131, MCA; AND PROVIDING
 17 AN EFFECTIVE DATE."
 18
 19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 20 NEW SECTION. Section 1. Short title. [Sections 1
 21 through 9] may be cited as "The Montana Initiative for the
 22 Abatement of Mortality in Infants (MIAMI) Act".
 23 NEW SECTION. Section 2. Purposes. The purposes of
 24 [sections 1 through 9] are to:
 25 (1) assure that mothers and children, in particular

1 those with low income or with limited availability of health
 2 services, receive access to quality maternal and child
 3 health services;
 4 (2) reduce infant mortality and the number of low
 5 birthweight babies; and
 6 (3) prevent the incidence of children born with
 7 chronic illnesses, birth defects, or severe disabilities as
 8 a result of inadequate prenatal care.
 9 NEW SECTION. Section 3. Definitions. For purposes of
 10 [sections 1 through 9], the following definitions apply:
 11 (1) "Council" means the MIAMI project advisory council
 12 established in [section 5].
 13 (2) "Department" means the department of health and
 14 environmental sciences provided for in 2-15-2101.
 15 (3) "Low income" means, with respect to an individual
 16 or family, income that does not exceed the official federal
 17 poverty threshold as defined by the federal office of
 18 management and budget and revised annually in accordance
 19 with section 673(2) of the Omnibus Budget Reconciliation Act
 20 of 1981.
 21 (4) "Project" means the MIAMI project established in
 22 [section 4].
 23 (5) "Service provider" means a person, agency, or
 24 organization that has a contract to provide services under
 25 the MIAMI project.

1 NEW SECTION. **Section 4. MIAMI project.** (1) There is a
 2 MIAMI project established in the department.
 3 (2) Under the project, the department shall provide
 4 the following services:
 5 (a) infant mortality review;
 6 (b) low birthweight prevention;
 7 (c) assistance to low-income women and infants in
 8 gaining access to prenatal care, delivery, and postpartum
 9 care;
 10 (d) referral of low-income women and children to other
 11 programs to protect the health of women and children,
 12 including:
 13 (i) supplemental food programs for women, infants, and
 14 children;
 15 (ii) family planning services; and
 16 (iii) other maternal and child health programs;
 17 (e) public education and community outreach to inform
 18 the public on:
 19 (i) the importance of receiving early prenatal care;
 20 (ii) the need for good health habits during pregnancy;
 21 and
 22 (iii) the availability of special services for pregnant
 23 women and for children.
 24 NEW SECTION. **Section 5. MIAMI project advisory**
 25 council. (1) There is a MIAMI project advisory council.

1 (2) The council is composed of seven members appointed
 2 by the governor as follows:
 3 (a) one person from the department who is involved in
 4 providing preventative health services for women and
 5 children;
 6 (b) one person from the department of social and
 7 rehabilitation services who administers or supervises
 8 services under the Montana medicaid program;
 9 (c) one person from a local health department;
 10 (d) one person from among local service providers;
 11 (e) one person representing a nonprofit child health
 12 organization;
 13 (f) one private physician who specializes in obstetric
 14 or pediatric care; and
 15 (g) one person involved in children's issues or
 16 programs who is a representative of a parents' organization.
 17 (3) The council is allocated to the department for
 18 administrative purposes only as provided in 2-15-121.
 19 (4) The provisions of 2-15-122(5) through (8) apply to
 20 the council and its members.
 21 NEW SECTION. **Section 6. Advisory council -- powers**
 22 and duties. The council shall:
 23 (1) advise the department on matters relating to
 24 administration of the MIAMI project;
 25 (2) review and monitor activities conducted under the

1 project;

2 (3) gather information relating to infant mortality
3 and low birthweight babies;

4 (4) identify problems in the quality and availability
5 of maternal and child health services; and

6 (5) make recommendations to improve maternal and child
7 health services consistent with the purposes of [sections 1
8 through 9].

9 NEW SECTION. Section 7. Contracts for services. (1)
10 The department shall contract with service providers to
11 provide services under the MIAMI project.

12 (2) In selecting service providers, the department
13 shall take into consideration the past performance of the
14 person, agency, or organization in providing similar
15 services, the demonstrated effectiveness of the service
16 provider in delivering comparable or related services, the
17 fiscal accountability of the service provider, and such
18 other factors as the department determines to be
19 appropriate.

20 NEW SECTION. Section 8. Federal and other aid. (1)
21 The department may apply for and receive federal aid and
22 other funding available for the MIAMI project.

23 (2) Federal funds and other funding as may be
24 available are appropriated to the department for use in
25 administering the provisions of [sections 1 through 9].

1 NEW SECTION. Section 9. Coordination of programs. The
2 department shall coordinate services under the MIAMI project
3 with other services and programs in the state including:

4 (1) the early and periodic screening, diagnosis, and
5 treatment services program under Title XIX of the federal
6 Social Security Act;

7 (2) the Montana medicaid program established in
8 53-6-101; and

9 (3) programs administered with funds under the federal
10 Maternal and Child Health Services Block Grant Act, Public
11 Law 97-35, as may be amended.

12 Section 10. Section 53-6-101, MCA, is amended to read:

13 "53-6-101. Definition of--medical--assistance Montana
14 medicaid program -- authorization of services. (1) There is
15 a Montana medicaid program established for the purpose of
16 providing necessary medical services to eligible persons who
17 have need for medical assistance. The Montana medicaid
18 program is a joint federal-state program administered under
19 this chapter and in accordance with Title XIX of the federal
20 Social Security Act (42 U.S.C. 1396, et seq.), as may be
21 amended. The department of social and rehabilitation
22 services shall administer the Montana medicaid program.

23 {1}{2} The--definition--of--medical Medical assistance
24 shall--include provided by the Montana medicaid program
25 includes the following services:

1 (a) inpatient hospital services;
 2 (b) outpatient hospital services;
 3 (c) other laboratory and x-ray services;
 4 (d) skilled nursing home services;
 5 (e) physicians' services, whether furnished in the
 6 office, the patient's home, a hospital, a skilled nursing
 7 home, or elsewhere; and

8 (f) services provided by nurse specialists, as
 9 specifically listed in 37-8-202(5), within the scope of
 10 their practice and that are otherwise directly reimbursed as
 11 allowed under department rule to an existing provider.

12 ~~{2}{3}~~ It Medical assistance provided by the Montana
 13 medicaid program may, as provided by department rule, also
 14 include; although not necessarily limited to, the following:

15 (a) medical care or any other type of remedial care
 16 recognized under state law, furnished by licensed
 17 practitioners within the scope of their practice as defined
 18 by state law;

19 (b) home health care services;
 20 (c) private-duty nursing services;
 21 (d) dental services;
 22 (e) physical therapy and other related services;
 23 (f) clinic services;
 24 (g) services provided by social workers licensed under
 25 Title 37, chapter 22;

1 (h) prescribed drugs, dentures, and prosthetic
 2 devices;

3 (i) eyeglasses prescribed by a physician skilled in
 4 diseases of the eye or by an optometrist, whichever the
 5 individual may select;

6 (j) other diagnostic, screening, preventive,
 7 rehabilitative, chiropractic, and osteopathic services;

8 (k) ambulatory prenatal care for pregnant women during
 9 a presumptive eligibility period, as provided in 42 U.S.C.
 10 1396(a)(47) and 42 U.S.C. 1396r-1;

11 ~~{*}{1}~~ any additional medical service or aid allowable
 12 under or provided by the federal Social Security Act."

13 **Section 11.** Section 53-6-131, MCA, is amended to read:

14 "53-6-131. Eligibility requirements. (1) Medical
 15 assistance under the Montana medicaid program may be granted
 16 to a person who resides in the state of Montana, including a
 17 resident temporarily absent from the state and who meets the
 18 requirements of one or more of the following categories:

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

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

25 (c) he would be entitled to financial assistance under

1 one of the federally aided categories except that he does
2 not meet the durational residence requirements or relative
3 responsibility requirements of any of the public assistance
4 programs above enumerated;

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

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

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

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

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

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

23 (2) The department of social and rehabilitation
24 services may by rule establish more restrictive property
25 ownership eligibility criteria than required by federal law

1 for federally aided categories of public assistance.

2 (3) Notwithstanding any other provision of this
3 chapter, medical assistance must be provided to pregnant
4 women and infants whose family income does not exceed the
5 federal poverty threshold, as provided in 42 U.S.C.
6 1396(a)(10)(A)(ii)(IX)."

7 NEW SECTION. Section 12. Appropriation. The following
8 amounts are appropriated from the general fund to the
9 department of health and environmental sciences for the
10 purpose of administering the MIAMI project:

11	<u>FY 1990</u>	<u>FY 1991</u>
12	\$ 107,837	\$ 106,665

13 NEW SECTION. Section 13. Extension of authority. Any
14 existing authority to make rules on the subject of the
15 provisions of [this act] is extended to the provisions of
16 [this act].

17 NEW SECTION. Section 14. Codification instruction.
18 [Sections 1 through 9] are intended to be codified as an
19 integral part of Title 50, chapter 19, and the provisions of
20 Title 50, chapter 19, apply to [sections 1 through 9].

21 NEW SECTION. Section 15. Effective date. [This act]
22 is effective July 1, 1989.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

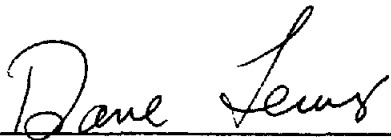
In compliance with a written request, there is hereby submitted a Fiscal Note for HB773, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

The Montana initiative for the abatement of morality in infants act.

ASSUMPTIONS:

1. There will be 238 new cases (low-income pregnant women and children under 1 year old) who will receive medicaid due to changes made by the federal medicare Catastrophic Coverage Act. Funds for these cases have been included in the executive budget and approved by the appropriations committees.
2. This bill (HB773) will allow an estimated additional 200 pregnant women to receive medicaid services for up to 45 days due to "presumptive eligibility." The additional 200 women will be presumed eligible to receive medicaid upon application, but will subsequently be determined to have income and resources above eligibility standards.
3. During the 45-day period before the 200 cases are determined to be ineligible for medicaid, each women will have received 2 doctor office visits, lab services and prescriptions for a cost of \$89.00.
4. The total cost to provide medicaid services to the 200 cases is \$17,800 per year.
5. The computerized eligibility and payment system (MMIS) will have to be changed to reflect the addition of presumptive eligibility. The computer programming costs for the change are \$60,000, 25% of which is state funded.
6. New medicaid forms will be printed for a total cost of \$2,000, 50% of which is state funded.
7. Current law reflects the executive request as approved by appropriations committees and the difference reflects the additional cost of HB773.
8. The Department of Health and Environmental Sciences would need 1.00 FTE, grade 16 to perform the infant mortality review.
9. Two new low birth weight prevention sites would be established, providing services to an additional 350 pregnant women.
10. The advisory committee will meet three times per year.



DAVE LEWIS, BUDGET DIRECTOR
OFFICE OF BUDGET AND PROGRAM PLANNING

DATE 3/18/89

DIANA E. WYATT, PRIMARY SPONSOR

DATE 3/21/89

Fiscal Note for HB773, as introduced

HB 773

Fiscal Note Request, HB773 as introduced

Form BD-15

Page 2

FISCAL IMPACT:

Expenditures:

	FY90			FY91		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
Personal Services	\$ 0	\$ 31,600	\$ 31,600	\$ 0	\$ 31,600	\$ 31,600
Operating Costs	0	138,237	138,237	0	75,065	75,065
Benefits	<u>591,906</u>	<u>609,706</u>	<u>17,800</u>	<u>753,746</u>	<u>771,546</u>	<u>17,800</u>
TOTAL	\$ 591,906	\$ 779,543	\$ 187,637	\$ 753,746	\$ 878,211	\$ 124,465
Funding:						
General Fund	\$ 170,646	\$ 299,615	\$ 128,969	\$ 216,476	\$ 328,253	\$ 111,777
Federal Funds	<u>421,260</u>	<u>479,928</u>	<u>58,668</u>	<u>537,270</u>	<u>549,958</u>	<u>12,688</u>
TOTAL	\$ 591,906	\$ 779,543	\$ 187,637	\$ 753,746	\$ 878,211	\$ 124,465

HB 773

APPROVED BY COMMITTEE
ON APPROPRIATIONS

HOUSE BILL NO. 773

INTRODUCED BY WYATT, BLAYLOCK, STICKNEY, BROOKE, DARKO,
MCCORMICK, MCDONOUGH, STRIZICH, REAM, SQUIRES,
O'CONNELL, BRADLEY

A BILL FOR AN ACT ENTITLED: "THE MONTANA INITIATIVE FOR THE
ABATEMENT OF MORTALITY IN INFANTS (MIAMI) ACT; ESTABLISHING
A MIAMI PROJECT TO ASSURE THAT MOTHERS AND CHILDREN RECEIVE
ACCESS TO QUALITY MATERNAL AND CHILD HEALTH SERVICES, TO
REDUCE INFANT MORTALITY AND THE NUMBER OF LOW BIRTHWEIGHT
BABIES, AND TO PREVENT THE INCIDENCE OF CHILDREN BORN WITH
CHRONIC ILLNESSES, BIRTH DEFECTS, OR SEVERE DISABILITIES AS
A RESULT OF INADEQUATE PRENATAL CARE; PROVIDING MEDICAID
ELIGIBILITY TO PREGNANT WOMEN AND TO INFANTS WHOSE FAMILY
INCOME DOES NOT EXCEED THE FEDERAL POVERTY THRESHOLD;
ALLOWING AMBULATORY PRENATAL CARE FOR PREGNANT WOMEN DURING
A PRESUMPTIVE ELIGIBILITY PERIOD; APPROPRIATING FUNDS;
AMENDING SECTIONS 53-6-101 AND 53-6-131, MCA; AND PROVIDING
AN EFFECTIVE DATE AND A TERMINATION DATE."

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

NEW SECTION. **Section 1.** Short title. [Sections 1
through 9] may be cited as "The Montana Initiative for the
Abatement of Mortality in Infants (MIAMI) Act".

NEW SECTION. **Section 2.** Purposes. The purposes of

[sections 1 through 9] are to:

(1) assure that mothers and children, in particular
those with low income or with limited availability of health
services, receive access to quality maternal and child
health services;

(2) reduce infant mortality and the number of low
birthweight babies; and

(3) prevent the incidence of children born with
chronic illnesses, birth defects, or severe disabilities as
a result of inadequate prenatal care.

NEW SECTION. **Section 3.** Definitions. For purposes of
[sections 1 through 9], the following definitions apply:

(1) "Council" means the MIAMI project advisory council
established in [section 5].

(2) "Department" means the department of health and
environmental sciences provided for in 2-15-2101.

(3) "Low income" means, with respect to an individual
or family, income that does not exceed the official federal
poverty threshold as defined by the federal office of
management and budget and revised annually in accordance
with section 673(2) of the Omnibus Budget Reconciliation Act
of 1981.

(4) "Project" means the MIAMI project established in
[section 4].

(5) "Service provider" means a person, agency, or

1 organization that has a contract to provide services under
2 the MIAMI project.

3 NEW SECTION. Section 4. MIAMI project. (1) There is a
4 MIAMI project established in the department.

5 (2) Under the project, the department shall provide
6 the following services:

7 (a) infant mortality review;

8 (b) low birthweight prevention;

9 (c) assistance to low-income women and infants in
10 gaining access to prenatal care, delivery, and postpartum
11 care;

12 (d) referral of low-income women and children to other
13 programs to protect the health of women and children,
14 including:

15 (i) supplemental food programs for women, infants, and
16 children;

17 (ii) family planning services; and

18 (iii) other maternal and child health programs;

19 (e) public education and community outreach to inform
20 the public on:

21 (i) the importance of receiving early prenatal care;

22 (ii) the need for good health habits during pregnancy;

23 and

24 (iii) the availability of special services for pregnant
25 women and for children.

1 NEW SECTION. Section 5. MIAMI project advisory
2 council. (1) There is a MIAMI project advisory council.

3 (2) The council is composed of seven members appointed
4 by the governor as follows:

5 (a) one person from the department who is involved in
6 providing preventative health services for women and
7 children;

8 (b) one person from the department of social and
9 rehabilitation services who administers or supervises
10 services under the Montana medicaid program;

11 (c) one person from a local health department;

12 (d) one person from among local service providers;

13 (e) one person representing a nonprofit child health
14 organization;

15 (f) one private physician who specializes in obstetric
16 or pediatric care; and

17 (g) one person involved in children's issues or
18 programs who is a representative of a parents' organization.

19 (3) The council is allocated to the department for
20 administrative purposes only as provided in 2-15-121.

21 (4) The provisions of 2-15-122(5) through (8) apply to
22 the council and its members.

23 NEW SECTION. Section 6. Advisory council -- powers
24 and duties. The council shall:

25 (1) advise the department on matters relating to

1 administration of the MIAMI project;

2 (2) review and monitor activities conducted under the
3 project;

4 (3) gather information relating to infant mortality
5 and low birthweight babies;

6 (4) identify problems in the quality and availability
7 of maternal and child health services; and

8 (5) make recommendations to improve maternal and child
9 health services consistent with the purposes of [sections 1
10 through 9].

11 NEW SECTION. Section 7. Contracts for services. (1)
12 The department shall contract with service providers to
13 provide services under the MIAMI project.

14 (2) In selecting service providers, the department
15 shall take into consideration the past performance of the
16 person, agency, or organization in providing similar
17 services, the demonstrated effectiveness of the service
18 provider in delivering comparable or related services, the
19 fiscal accountability of the service provider, and such
20 other factors as the department determines to be
21 appropriate.

22 NEW SECTION. Section 8. Federal and other aid. (1)
23 The department may apply for and receive federal aid and
24 other funding available for the MIAMI project.

25 (2) Federal funds and other funding as may be

1 available are appropriated to the department for use in
2 administering the provisions of [sections 1 through 9].

3 NEW SECTION. Section 9. Coordination of programs. The
4 department shall coordinate services under the MIAMI project
5 with other services and programs in the state including:

6 (1) the early and periodic screening, diagnosis, and
7 treatment services program under Title XIX of the federal
8 Social Security Act;

9 (2) the Montana medicaid program established in
10 53-6-101; and

11 (3) programs administered with funds under the federal
12 Maternal and Child Health Services Block Grant Act, Public
13 Law 97-35, as may be amended.

14 Section 10. Section 53-6-101, MCA, is amended to read:

15 "53-6-101. Definition-of--medical--assistance Montana
16 medicaid program -- authorization of services. (1) There is
17 a Montana medicaid program established for the purpose of
18 providing necessary medical services to eligible persons who
19 have need for medical assistance. The Montana medicaid
20 program is a joint federal-state program administered under
21 this chapter and in accordance with Title XIX of the federal
22 Social Security Act (42 U.S.C. 1396, et seq.), as may be
23 amended. The department of social and rehabilitation
24 services shall administer the Montana medicaid program.

25 {1}(2) The--definition--of--medical Medical assistance

1 ~~shall include~~ provided by the Montana medicaid program
2 includes the following services:

- 3 (a) inpatient hospital services;
- 4 (b) outpatient hospital services;
- 5 (c) other laboratory and x-ray services;
- 6 (d) skilled nursing home services;
- 7 (e) physicians' services, whether furnished in the
8 office, the patient's home, a hospital, a skilled nursing
9 home, or elsewhere; and

10 (f) services provided by nurse specialists, as
11 specifically listed in 37-8-202(5), within the scope of
12 their practice and that are otherwise directly reimbursed as
13 allowed under department rule to an existing provider.

14 ~~{2}{3} It Medical assistance provided by the Montana~~
15 ~~medicaid program may, as provided by department rule, also~~
16 ~~include, although not necessarily limited to, the following:~~

17 (a) medical care or any other type of remedial care
18 recognized under state law, furnished by licensed
19 practitioners within the scope of their practice as defined
20 by state law;

- 21 (b) home health care services;
- 22 (c) private-duty nursing services;
- 23 (d) dental services;
- 24 (e) physical therapy and other related services;
- 25 (f) clinic services;

- 1 (g) services provided by social workers licensed under
2 Title 37, chapter 22;
- 3 (h) prescribed drugs, dentures, and prosthetic
4 devices;
- 5 (i) eyeglasses prescribed by a physician skilled in
6 diseases of the eye or by an optometrist, whichever the
7 individual may select;

- 8 (j) other diagnostic, screening, preventive,
9 rehabilitative, chiropractic, and osteopathic services;
- 10 (k) ambulatory prenatal care for pregnant women during
11 a presumptive eligibility period, as provided in 42 U.S.C.
12 1396(a)(47) and 42 U.S.C. 1396r-1;

13 ~~{*}{1}~~ any additional medical service or aid allowable
14 under or provided by the federal Social Security Act."

15 **Section 11.** Section 53-6-131, MCA, is amended to read:

16 "53-6-131. Eligibility requirements. (1) Medical
17 assistance under the Montana medicaid program may be granted
18 to a person who resides in the state of Montana, including a
19 resident temporarily absent from the state and who meets the
20 requirements of one or more of the following categories:

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

24 (b) upon application, he would be eligible for
25 financial assistance under any one of the federally aided

1 programs referred to above;

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

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

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

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

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

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

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

25 (2) The department of social and rehabilitation

1 services may by rule establish more restrictive property
2 ownership eligibility criteria than required by federal law
3 for federally aided categories of public assistance.

4 (3) Notwithstanding any other provision of this
5 chapter, medical assistance must be provided to pregnant
6 women and infants whose family income does not exceed the
7 federal poverty threshold, as provided in 42 U.S.C.
8 1396(a)(10)(A)(ii)(IX)."

9 NEW SECTION. Section 12. Appropriation. The following
10 amounts are appropriated from the general-fund FUND SOURCES
11 DISCLOSED BELOW to the department of health and
12 environmental sciences for the purpose of administering the
13 MIAMI project:

	<u>FY 1990</u>	<u>FY 1991</u>
\$ 107,837	<u>GENERAL FUND</u>	\$ 106,665 <u>GENERAL FUND</u>
21,132	<u>FEDERAL SPECIAL</u>	5,112 <u>FEDERAL SPECIAL</u>

17 NEW SECTION. Section 13. Extension of authority. Any
18 existing authority to make rules on the subject of the
19 provisions of [this act] is extended to the provisions of
20 [this act].

21 NEW SECTION. Section 14. Codification instruction.
22 [Sections 1 through 9] are intended to be codified as an
23 integral part of Title 50, chapter 19, and the provisions of
24 Title 50, chapter 19, apply to [sections 1 through 9].

25 NEW SECTION. SECTION 15. PROGRAM TERMINATION. THE

HB 0773/02

- 1 PROVISIONS OF [THIS ACT] TERMINATE JUNE 30, 1991.
- 2 NEW SECTION. Section 16. Effective date. [This act]
- 3 is effective July 1, 1989.

-End-

HOUSE BILL NO. 773

INTRODUCED BY WYATT, BLAYLOCK, STICKNEY, BROOKE, DARKO,
MCCORMICK, MCDONOUGH, STRIZICH, REAM, SQUIRES,
O'CONNELL, BRADLEY

A BILL FOR AN ACT ENTITLED: "THE MONTANA INITIATIVE FOR THE
ABATEMENT OF MORTALITY IN INFANTS (MIAMI) ACT; ESTABLISHING
A MIAMI PROJECT TO ASSURE THAT MOTHERS AND CHILDREN RECEIVE
ACCESS TO QUALITY MATERNAL AND CHILD HEALTH SERVICES, TO
REDUCE INFANT MORTALITY AND THE NUMBER OF LOW BIRTHWEIGHT
BABIES, AND TO PREVENT THE INCIDENCE OF CHILDREN BORN WITH
CHRONIC ILLNESSES; BIRTH DEFECTS, OR SEVERE DISABILITIES AS
A RESULT OF INADEQUATE PRENATAL CARE; PROVIDING MEDICAID
ELIGIBILITY TO PREGNANT WOMEN AND TO INFANTS WHOSE FAMILY
INCOME DOES NOT EXCEED THE FEDERAL POVERTY THRESHOLD;
ALLOWING AMBULATORY PRENATAL CARE FOR PREGNANT WOMEN DURING
A PRESUMPTIVE ELIGIBILITY PERIOD; APPROPRIATING FUNDS;
AMENDING SECTIONS 53-6-101 AND 53-6-131, MCA; AND PROVIDING
AN EFFECTIVE DATE AND A TERMINATION DATE."

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

NEW SECTION. Section 1. Short title. [Sections 1
through 9] may be cited as "The Montana Initiative for the
Abatement of Mortality in Infants (MIAMI) Act".

NEW SECTION. Section 2. Purposes. The purposes of

[sections 1 through 9] are to:

(1) assure that mothers and children, in particular
those with low income or with limited availability of health
services, receive access to quality maternal and child
health services;

(2) reduce infant mortality and the number of low
birthweight babies; and

(3) prevent the incidence of children born with
chronic illnesses, birth defects, or severe disabilities as
a result of inadequate prenatal care.

NEW SECTION. Section 3. Definitions. For purposes of
[sections 1 through 9], the following definitions apply:

(1) "Council" means the MIAMI project advisory council
established in [section 5].

(2) "Department" means the department of health and
environmental sciences provided for in 2-15-2101.

(3) "Low income" means, with respect to an individual
or family, income that does not exceed the official federal
poverty threshold as defined by the federal office of
management and budget and revised annually in accordance
with section 673(2) of the Omnibus Budget Reconciliation Act
of 1981.

(4) "Project" means the MIAMI project established in
[section 4].

(5) "Service provider" means a person, agency, or

1 organization that has a contract to provide services under
2 the MIAMI project.

3 NEW SECTION. Section 4. MIAMI project. (1) There is a
4 MIAMI project established in the department.

5 (2) Under the project, the department shall provide
6 the following services:

7 (a) infant mortality review;

8 (b) low birthweight prevention;

9 (c) assistance to low-income women and infants in
10 gaining access to prenatal care, delivery, and postpartum
11 care;

12 (d) referral of low-income women and children to other
13 programs to protect the health of women and children,
14 including:

15 (i) supplemental food programs for women, infants, and
16 children;

17 (ii) family planning services; and

18 (iii) other maternal and child health programs;

19 (e) public education and community outreach to inform
20 the public on:

21 (i) the importance of receiving early prenatal care;

22 (ii) the need for good health habits during pregnancy;

23 and

24 (iii) the availability of special services for pregnant
25 women and for children.

1 NEW SECTION. Section 5. MIAMI project advisory
2 council. (1) There is a MIAMI project advisory council.

3 (2) The council is composed of seven members appointed
4 by the governor as follows:

5 (a) one person from the department who is involved in
6 providing preventative health services for women and
7 children;

8 (b) one person from the department of social and
9 rehabilitation services who administers or supervises
10 services under the Montana medicaid program;

11 (c) one person from a local health department;

12 (d) one person from among local service providers;

13 (e) one person representing a nonprofit child health
14 organization;

15 (f) one private physician who specializes in obstetric
16 or pediatric care; and

17 (g) one person involved in children's issues or
18 programs who is a representative of a parents' organization.

19 (3) The council is allocated to the department for
20 administrative purposes only as provided in 2-15-121.

21 (4) The provisions of 2-15-122(5) through (8) apply to
22 the council and its members.

23 NEW SECTION. Section 6. Advisory council -- powers
24 and duties. The council shall:

25 (1) advise the department on matters relating to

1 administration of the MIAMI project;

2 (2) review and monitor activities conducted under the
3 project;

4 (3) gather information relating to infant mortality
5 and low birthweight babies;

6 (4) identify problems in the quality and availability
7 of maternal and child health services; and

8 (5) make recommendations to improve maternal and child
9 health services consistent with the purposes of [sections 1
10 through 9].

11 **NEW SECTION. Section 7. Contracts for services.** (1)
12 The department shall contract with service providers to
13 provide services under the MIAMI project.

14 (2) In selecting service providers, the department
15 shall take into consideration the past performance of the
16 person, agency, or organization in providing similar
17 services, the demonstrated effectiveness of the service
18 provider in delivering comparable or related services, the
19 fiscal accountability of the service provider, and such
20 other factors as the department determines to be
21 appropriate.

22 **NEW SECTION. Section 8. Federal and other aid.** (1)
23 The department may apply for and receive federal aid and
24 other funding available for the MIAMI project.

25 (2) Federal funds and other funding as may be

1 available are appropriated to the department for use in
2 administering the provisions of [sections 1 through 9].

3 **NEW SECTION. Section 9. Coordination of programs.** The
4 department shall coordinate services under the MIAMI project
5 with other services and programs in the state including:

6 (1) the early and periodic screening, diagnosis, and
7 treatment services program under Title XIX of the federal
8 Social Security Act;

9 (2) the Montana medicaid program established in
10 53-6-101; and

11 (3) programs administered with funds under the federal
12 Maternal and Child Health Services Block Grant Act, Public
13 Law 97-35, as may be amended.

14 **Section 10.** Section 53-6-101, MCA, is amended to read:

15 ~~"53-6-101. Definition of--medical--assistance~~ Montana
16 ~~medicaid program -- authorization of services.~~ (1) There is
17 ~~a Montana medicaid program established for the purpose of~~
18 ~~providing necessary medical services to eligible persons who~~
19 ~~have need for medical assistance. The Montana medicaid~~
20 ~~program is a joint federal-state program administered under~~
21 ~~this chapter and in accordance with Title XIX of the federal~~
22 ~~Social Security Act (42 U.S.C. 1396, et seq.), as may be~~
23 ~~amended. The department of social and rehabilitation~~
24 ~~services shall administer the Montana medicaid program.~~

25 ~~†††(2) The--definition--of--medical Medical assistance~~

1 ~~shall include~~ provided by the Montana medicaid program
2 includes the following services:

- 3 (a) inpatient hospital services;
- 4 (b) outpatient hospital services;
- 5 (c) other laboratory and x-ray services;
- 6 (d) skilled nursing home services;
- 7 (e) physicians' services, whether furnished in the
8 office, the patient's home, a hospital, a skilled nursing
9 home, or elsewhere; and
- 10 (f) services provided by nurse specialists, as
11 specifically listed in 37-8-202(5), within the scope of
12 their practice and that are otherwise directly reimbursed as
13 allowed under department rule to an existing provider.

14 ~~{2}{3}~~ Medical assistance provided by the Montana
15 medicaid program may, as provided by department rule, also
16 include, although not necessarily limited to, the following:

- 17 (a) medical care or any other type of remedial care
18 recognized under state law, furnished by licensed
19 practitioners within the scope of their practice as defined
20 by state law;
- 21 (b) home health care services;
- 22 (c) private-duty nursing services;
- 23 (d) dental services;
- 24 (e) physical therapy and other related services;
- 25 (f) clinic services;

- 1 (g) services provided by social workers licensed under
2 Title 37, chapter 22;
- 3 (h) prescribed drugs, dentures, and prosthetic
4 devices;
- 5 (i) eyeglasses prescribed by a physician skilled in
6 diseases of the eye or by an optometrist, whichever the
7 individual may select;
- 8 (j) other diagnostic, screening, preventive,
9 rehabilitative, chiropractic, and osteopathic services;
- 10 (k) ambulatory prenatal care for pregnant women during
11 a presumptive eligibility period, as provided in 42 U.S.C.
12 1396(a)(47) and 42 U.S.C. 1396r-1;

13 ~~{k}{l}~~ any additional medical service or aid allowable
14 under or provided by the federal Social Security Act."

15 **Section 11.** Section 53-6-131, MCA, is amended to read:
16 "53-6-131. Eligibility requirements. (1) Medical
17 assistance under the Montana medicaid program may be granted
18 to a person who resides in the state of Montana, including a
19 resident temporarily absent from the state and who meets the
20 requirements of one or more of the following categories:

- 21 (a) he receives all or part of his income from
22 federally funded supplemental security income assistance or
23 aid to families with dependent children;
- 24 (b) upon application, he would be eligible for
25 financial assistance under any one of the federally aided

1 programs referred to above;

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

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

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

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

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

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

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

25 (2) The department of social and rehabilitation

1 services may by rule establish more restrictive property
2 ownership eligibility criteria than required by federal law
3 for federally aided categories of public assistance.

4 (3) Notwithstanding any other provision of this
5 chapter, medical assistance must be provided to pregnant
6 women and infants whose family income does not exceed the
7 federal poverty threshold, as provided in 42 U.S.C.
8 1396(a)(10)(A)(ii)(IX)."

9 NEW SECTION. Section 12. Appropriation. The following
10 amounts are appropriated from the general-fund FUND SOURCES
11 DISCLOSED BELOW to the department of health and
12 environmental sciences for the purpose of administering the
13 MIAMI project:

	<u>FY 1990</u>		<u>FY 1991</u>
15	\$ 107,837	<u>GENERAL FUND</u>	\$ 106,665 <u>GENERAL FUND</u>
16	21,132	<u>FEDERAL SPECIAL</u>	5,112 <u>FEDERAL SPECIAL</u>

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18 existing authority to make rules on the subject of the
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20 [this act].

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22 [Sections 1 through 9] are intended to be codified as an
23 integral part of Title 50, chapter 19, and the provisions of
24 Title 50, chapter 19, apply to [sections 1 through 9].

25 NEW SECTION. SECTION 15. PROGRAM TERMINATION. THE

HB 0773/02

- 1 PROVISIONS OF [THIS ACT] TERMINATE JUNE 30, 1991.
- 2 NEW SECTION. Section 16. Effective date. [This act]
- 3 is effective July 1, 1989.

-End-

SENATE STANDING COMMITTEE REPORT

April 15, 1989

MR. PRESIDENT,

We, your committee on Finance and Claims, having had under consideration HB 773 (third reading copy -- blue), respectfully report that HB 773 be amended and as so amended be concurred in:

Sponsor: Wyatt (Jacobson)

1. Title, line 17.

Strike: "APPROPRIATING FUNDS;"

2. Page 10, lines 9 through 16.

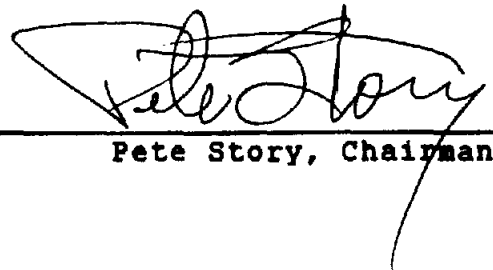
Following: "Appropriation" on line 9

Strike: the remainder of section 12 in its entirety

Insert: "coordination -- void without appropriation. [This act] is void unless an appropriation for the administration of [this act] is specifically made to the department of health and environmental sciences in House Bill No. 100."

AND AS AMENDED BE CONCURRED IN

Signed: _____

A handwritten signature in dark ink, appearing to read "Pete Story", is written over a horizontal line. The signature is stylized with a large, sweeping initial "P".

Pete Story, Chairman

**SENATE
HB 773**

SENATE COMMITTEE OF THE WHOLE AMENDMENT

April 17, 1989 12:39 pm

Mr. Chairman: I move to amend HB 773 (third reading copy -- blue)
as follows:

1. Page 8, line 12.

Strike: "(a)(47)"

Insert: "a(a)(47)"

2. Page 10, line 8.

Strike: "(a)(10)(A)(ii)(IX)"

Insert: "a(a)(10)(A)(ii)(IX)"

ADOPT

REJECT

Signed: _____

Judy Jacobson
Senator Jacobson

Senate
HB 773
cwhb773.417

HOUSE BILL NO. 773

INTRODUCED BY WYATT, BLAYLOCK, STICKNEY, BROOKE, DARKO,
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ACCESS TO QUALITY MATERNAL AND CHILD HEALTH SERVICES, TO
REDUCE INFANT MORTALITY AND THE NUMBER OF LOW BIRTHWEIGHT
BABIES, AND TO PREVENT THE INCIDENCE OF CHILDREN BORN WITH
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A RESULT OF INADEQUATE PRENATAL CARE; PROVIDING MEDICAID
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14 organization;
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16 or pediatric care; and

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18 programs who is a representative of a parents' organization.

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22 the council and its members.

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24 and duties. The council shall:

- 25 (1) advise the department on matters relating to

1 administration of the MIAMI project;

2 (2) review and monitor activities conducted under the
3 project;

4 (3) gather information relating to infant mortality
5 and low birthweight babies;

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7 of maternal and child health services; and

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19 fiscal accountability of the service provider, and such
20 other factors as the department determines to be
21 appropriate.

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9 (2) the Montana medicaid program established in
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11 (3) programs administered with funds under the federal
12 Maternal and Child Health Services Block Grant Act, Public
13 Law 97-35, as may be amended.

14 Section 10. Section 53-6-101, MCA, is amended to read:

15 "53-6-101. Definition of--medical--assistance Montana
16 medicaid program -- authorization of services. (1) There is
17 a Montana medicaid program established for the purpose of
18 providing necessary medical services to eligible persons who
19 have need for medical assistance. The Montana medicaid
20 program is a joint federal-state program administered under
21 this chapter and in accordance with Title XIX of the federal
22 Social Security Act (42 U.S.C. 1396, et seq.), as may be
23 amended. The department of social and rehabilitation
24 services shall administer the Montana medicaid program.

25 {1}(2) The--definition--of--medical Medical assistance

1 ~~shall include~~ provided by the Montana medicaid program
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- 4 (b) outpatient hospital services;
- 5 (c) other laboratory and x-ray services;
- 6 (d) skilled nursing home services;
- 7 (e) physicians' services, whether furnished in the
8 office, the patient's home, a hospital, a skilled nursing
9 home, or elsewhere; and
- 10 (f) services provided by nurse specialists, as
11 specifically listed in 37-8-202(5), within the scope of
12 their practice and that are otherwise directly reimbursed as
13 allowed under department rule to an existing provider.

14 ~~†2†~~(3) †† Medical assistance provided by the Montana
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18 recognized under state law, furnished by licensed
19 practitioners within the scope of their practice as defined
20 by state law;
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- 1 (g) services provided by social workers licensed under
2 Title 37, chapter 22;
- 3 (h) prescribed drugs, dentures, and prosthetic
4 devices;
- 5 (i) eyeglasses prescribed by a physician skilled in
6 diseases of the eye or by an optometrist, whichever the
7 individual may select;
- 8 (j) other diagnostic, screening, preventive,
9 rehabilitative, chiropractic, and osteopathic services;
- 10 (k) ambulatory prenatal care for pregnant women during
11 a presumptive eligibility period, as provided in 42 U.S.C.
12 1396(a)†47† A(A)(47) and 42 U.S.C. 1396r-1;
- 13 ~~†k†~~(1) any additional medical service or aid allowable
14 under or provided by the federal Social Security Act."

15 **Section 11.** Section 53-6-131, MCA, is amended to read:

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20 requirements of one or more of the following categories:

- 21 (a) he receives all or part of his income from
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- 24 (b) upon application, he would be eligible for
25 financial assistance under any one of the federally aided

1 programs referred to above;

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

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

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

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

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

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20 as defined by the department of social and rehabilitation
21 services; or

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23 under the supervision of the state, and has been adopted as
24 a "hard-to-place" child.

25 (2) The department of social and rehabilitation

1 services may by rule establish more restrictive property
2 ownership eligibility criteria than required by federal law
3 for federally aided categories of public assistance.

4 (3) Notwithstanding any other provision of this
5 chapter, medical assistance must be provided to pregnant
6 women and infants whose family income does not exceed the
7 federal poverty threshold, as provided in 42 U.S.C.
8 1396(a)(10)(A)(i)(IX) A(A)(10)(A)(II)(IX)."

9 NEW SECTION. Section 12. Appropriation: The following
10 amounts--are-appropriated-from-the general-fund FUND-SOURCES
11 DISCLOSED--BELOW to---the---department---of---health---and
12 environmental--sciences-for-the-purpose-of-administering-the
13 MIAMI-project:

	<u>FY-1990</u>	<u>FY-1991</u>
15	\$-107,837 <u>GENERAL-FUND</u>	\$-106,665 <u>GENERAL-FUND</u>
16	<u>217,132</u> <u>FEDERAL-SPECIAL</u>	<u>5,112</u> <u>FEDERAL-SPECIAL</u>
17	<u>COORDINATION -- VOID WITHOUT APPROPRIATION. [THIS ACT] IS</u>	
18	<u>VOID UNLESS AN APPROPRIATION FOR THE ADMINISTRATION OF [THIS</u>	
19	<u>ACT] IS SPECIFICALLY MADE TO THE DEPARTMENT OF HEALTH AND</u>	
20	<u>ENVIRONMENTAL SCIENCES IN HOUSE BILL NO. 100.</u>	

21 NEW SECTION. Section 13. Extension of authority. Any
22 existing authority to make rules on the subject of the
23 provisions of [this act] is extended to the provisions of
24 [this act].

25 NEW SECTION. Section 14. Codification instruction.

1 {Sections 1 through 9} are intended to be codified as an
2 integral part of Title 50, chapter 19, and the provisions of
3 Title 50, chapter 19, apply to {sections 1 through 9}.

4 NEW SECTION. SECTION 15. PROGRAM TERMINATION. THE
5 PROVISIONS OF [THIS ACT] TERMINATE JUNE 30, 1991.

6 NEW SECTION. Section 16. Effective date. [This act]
7 is effective July 1, 1989.

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