

SENATE BILL 217

Introduced by Halligan, et al.

1/23	Introduced
1/23	Referred to Public Health, Welfare & Safety
1/24	Fiscal Note Requested
1/30	Fiscal Note Received
1/31	Fiscal Note Printed
2/10	Hearing
2/14	Committee Report--Bill Not Passed
2/14	Adverse Committee Report Adopted
2/15	Motion Failed To Reconsider Previous

1 *Sen. Bill No. 217*  
 2 INTRODUCED BY *Sen. Bill No. 217*  
 3 BY REQUEST OF THE DEPARTMENT OF HEALTH *Bradley*  
 4 AND ENVIRONMENTAL SCIENCES *Compton M. Hanson*  
 5 *Gilbert Wayne*

6 A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE SUNSET  
 7 PROVISIONS RELATING TO THE CERTIFICATE OF NEED LAWS;  
 8 DELETING THE REQUIREMENT THAT THE DEPARTMENT OF SOCIAL AND  
 9 REHABILITATION SERVICES REPORT TO THE LEGISLATURE CONCERNING  
 10 MEDICAID FUNDING AND RECOMMEND FUTURE FUNDING LEVELS;  
 11 AMENDING SECTION 13, CHAPTER 329, LAWS OF 1983, AND SECTION  
 12 9, CHAPTER 477, LAWS OF 1987; REPEALING SECTION 53-6-110,  
 13 MCA; AND PROVIDING AN EFFECTIVE DATE."

14  
 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 **Section 1.** Section 13, Chapter 329, Laws of 1983, is  
 17 amended to read:

18 "Section 13. Effective dates. ~~{1}~~ This act is  
 19 effective on passage and approval ~~with delayed effective~~  
 20 ~~dates.~~

21 ~~{2}--On--July--1--1987--50-5-301--50-5-302--and--50-5-304~~  
 22 ~~through--50-5-308--MCA--and--sections--8--through--10--hereof--are~~  
 23 ~~repealed--unless--reenacted--by--the--legislature.~~

24 ~~{3}--On--July--1--1987--50-5-101--MCA--is--amended--by~~  
 25 ~~deleting--subsections--{3}--{5}--{6}--{8}--{9}--{10}--{13}--~~

1 ~~{14}--and--{27}--unless--reenacted--by--the--legislature.~~

2 ~~{4}--On--July--1--1987--50-5-106--MCA--is--amended--to--read~~  
 3 ~~as--follows--unless--reenacted--by--the--legislature:~~

4 ~~"50-5-106--Records--and--reports--required--of--health--care~~  
 5 ~~facilities--confidentiality--Health--care--facilities--shall~~  
 6 ~~keep--records--and--make--reports--as--required--by--the--department.~~  
 7 ~~Before--February--1--of--each--year--every--licensed--health--care~~  
 8 ~~facility--shall--submit--an--annual--report--for--the--preceding~~  
 9 ~~calendar--year--to--the--department--The--report--shall--be--on~~  
 10 ~~forms--and--contain--information--specified--by--the--department.~~  
 11 ~~Information--received--by--the--department--or--board--through~~  
 12 ~~reports--inspections--or--provisions--of--parts--1--and--2--may--not~~  
 13 ~~be--disclosed--in--a--way--which--would--identify--patients--A~~  
 14 ~~department--employee--who--discloses--information--which--would~~  
 15 ~~identify--a--patient--shall--be--dismissed--from--employment--and~~  
 16 ~~subject--to--the--provision--of--45-7-401--unless--the--disclosure~~  
 17 ~~was--authorized--in--writing--by--the--patient--his--guardian--or~~  
 18 ~~his--agent--Information--and--statistical--reports--from--health~~  
 19 ~~care--facilities--which--are--considered--necessary--by--the~~  
 20 ~~department--for--health--planning--and--resource--development~~  
 21 ~~activities--will--be--made--available--to--the--public--and--the~~  
 22 ~~health--planning--agencies--within--the--state."~~

23 **Section 2.** Section 9, Chapter 477, Laws of 1987, is  
 24 amended to read:

25 "Section 9. Section 13, Chapter 329, Laws of 1983, is

1 amended to read:

2 "Section 13. Effective dates. {1} This act is  
3 effective on passage and approval,--with--delayed--effective  
4 dates.

5 {2}--On--July-1,-1989,-50-5-301,-50-5-302,-and-50-5-304  
6 through-50-5-309,-MCA,-and-section--9--hereof--are--repealed  
7 unless-reenacted-by-the-legislature:

8 {3}--On--July--1,-1989,-50-5-101,-MCA,-is-amended-by  
9 deleting-subsections-{3},-{5},-{6},-{8}-through-{10},-{14},  
10 {15},-and-{28}-unless-reenacted-by-the-legislature:

11 {4}--On-July-1,-1989,-50-5-106,-MCA,-is-amended-to-read  
12 as-follows-unless-reenacted-by-the-legislature:

13 "50-5-106,-Records-and-reports-required-of-health-care  
14 facilities----confidentiality.--Health-care-facilities-shall  
15 keep-records-and-make-reports-as-required-by-the-department.  
16 Before--February--1-of-each-year,-every-licensed-health-care  
17 facility-shall-submit-an-annual--report--for--the--preceding  
18 calendar--year--to--the--department.--The-report-shall-be-on  
19 forms-and-contain-information-specified-by--the--department.  
20 Information--received--by--the--department--or-board-through  
21 reports,-inspections,-or-provisions-of-parts-1-and-2-may-not  
22 be-disclosed-in-a-way--which--would--identify--patients----A  
23 department--employee--who--discloses-information-which-would  
24 identify-a-patient-shall-be-dismissed--from--employment--and  
25 subject--to-the-provision-of-45-7-401,-unless-the-disclosure

1 was-authorized-in-writing-by-the-patient,-his--guardian,-or  
2 his-agent,-information-and-statistical-reports-from-health  
3 care--facilities--which--are--considered--necessary--by--the  
4 department--for--health--planning--and--resource-development  
5 activities-will-be-made-available--to--the--public--and--the  
6 health-planning-agencies-within-the-state.""

7 NEW SECTION. Section 3. Repealer. Section 53-6-110,  
8 MCA, is repealed.

9 NEW SECTION. Section 4. Extension of authority. Any  
10 existing authority to make rules on the subject of the  
11 provisions of [this act] is extended to the provisions of  
12 [this act].

13 NEW SECTION. Section 5. Effective date. [This act] is  
14 effective June 30, 1989.

-End-

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB217, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an act entitled: "An act removing the sunset provisions relating to the Certificate of Need laws; deleting the requirement that the Department of Social and Rehabilitation Services report to the legislature concerning Medicaid funding and recommend future funding levels: amending Section 13, chapter 329, laws of 1983, and Section 9, chapter 477, laws of 1987; repealing Section 53-6-110, MCA and providing an effective date."

ASSUMPTIONS:

FY90 General Fund \$202,386.

The following assumptions are used to arrive at total fees to be collected:

1. There is no change in the existing Certificate of Need fee structure in the law.
  - a. Minimum fee of \$500 with 15 applicants in this category. \$7500
  - b. .3% of capital expenditure for applications over minimum. 25 applicants in this category with an average of \$1,000,000 per application. \$75,000
  - c. A fee of \$500 per hearing, per applicant with 5 hearings held and 1.5 applicants per hearing. \$3,750

FISCAL IMPACT:FY90FY91

	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Revenue:</u>	\$ 86,250	\$ 86,250	\$ -0-	\$ 86,250	\$ 86,250	\$ -0-
<u>Expenditure:</u>	202,386	202,386	-0-	202,885	202,885	-0-
<u>Net Effect:</u>	(116,136)	(116,136)	-0-	(116,635)	(116,635)	-0-

Fund Impact: No significant change in revenues or expenditures.

*Ray Shackelford*

RAY SHACKLEFORD, BUDGET DIRECTOR  
OFFICE OF BUDGET AND PROGRAM PLANNING

1/30/89

DATE

*Mike Halligan*

MIKE HALLIGAN, PRIMARY SPONSOR

DATE

Fiscal Note for SB217, as introduced

SB 217