

HOUSE BILL NO. 333

INTRODUCED BY COBB  
BY REQUEST OF THE DEPARTMENT OF  
SOCIAL AND REHABILITATION SERVICES

IN THE HOUSE

|                  |   |
|------------------|---|
| JANUARY 23, 1993 | INTRODUCED AND REFERRED TO COMMITTEE<br>ON TAXATION.            |
|                  | FIRST READING.  |
| MARCH 19, 1993   | COMMITTEE RECOMMEND BILL<br>DO PASS AS AMENDED. REPORT ADOPTED. |
| MARCH 22, 1993   | PRINTING REPORT.  |
| MARCH 23, 1993   | SECOND READING, DO PASS.  |
| MARCH 24, 1993   | ENGROSSING REPORT.  |
|                  | THIRD READING, PASSED.<br>AYES, 80; NOES, 19.                   |
| MARCH 25, 1993   | TRANSMITTED TO SENATE.  |

IN THE SENATE

|                |  |
|----------------|--|
| MARCH 26, 1993 | INTRODUCED AND REFERRED TO COMMITTEE<br>ON FINANCE & CLAIMS. |
|                | FIRST READING.   |
| APRIL 7, 1993  | COMMITTEE RECOMMEND BILL<br>BE CONCURRED IN. REPORT ADOPTED. |
| APRIL 8, 1993  | SECOND READING, CONCURRED IN.                                |
| APRIL 12, 1993 | THIRD READING, CONCURRED IN.<br>AYES, 44; NOES, 4.           |
|                | RETURNED TO HOUSE.   |

IN THE HOUSE

|                |                              |
|----------------|------------------------------|
| APRIL 12, 1993 | SENT TO ENROLLING.           |
|                | REPORTED CORRECTLY ENROLLED. |

1 House BILL NO. 333  
 2 INTRODUCED BY Cobb  
 3 BY REQUEST OF THE DEPARTMENT OF  
 4 SOCIAL AND REHABILITATION SERVICES  
 5  
 6 A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING APPLICATION  
 7 OF THE UTILIZATION FEE ON NURSING FACILITIES TO BED DAYS  
 8 REIMBURSED BY ALL PAYORS IN ORDER TO MEET REQUIREMENTS FOR  
 9 OBTAINING FEDERAL MATCHING FUNDS FOR FEE REVENUE EXPENDED BY  
 10 THE STATE FOR MEDICAID ITEMS AND SERVICES; INCREASING THE  
 11 UTILIZATION FEE; AMENDING SECTIONS 15-60-101 AND 15-60-102,  
 12 MCA; AND PROVIDING EFFECTIVE DATES AND AN APPLICABILITY  
 13 PROVISION."

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

16 **Section 1.** Section 15-60-101, MCA, is amended to read:

17 "15-60-101. Definitions. For purposes of this chapter,  
 18 unless the context requires otherwise, the following  
 19 definitions apply:

20 (1) (a) "Bed day" means each whole 24-hour period that  
 21 a resident of a nursing facility is present in the facility  
 22 and receiving skilled nursing care or intermediate nursing  
 23 care or in which a bed is held for a resident while he the  
 24 resident is on temporary leave from the facility.

25 (b) The term includes all periods for which the nursing

1 facility is reimbursed by a third-party payor, including but  
 2 not limited to a private or governmental insurer or public  
 3 assistance program, but it does not include any period for  
 4 which the nursing facility may be reimbursed only by the  
 5 resident, a friend of the resident, or a member of the  
 6 resident's family of 24 hours described in subsection (1)(a)  
 7 regardless of the source of payment. The term also includes  
 8 the day of a resident's admission to a nursing facility and  
 9 the day of the resident's death, even though the resident is  
 10 present less than a whole 24-hour period on these days.

11 (2) "Calendar quarter" means the period of 3  
 12 consecutive months ending March 31, June 30, September 30,  
 13 or December 31.

14 (3) "Department" means the department of revenue.

15 (4) "Nursing facility" or "facility" means a health  
 16 care facility licensed by the department of health and  
 17 environmental sciences as a nursing facility to provide  
 18 skilled nursing care or intermediate nursing care. The term  
 19 includes nursing facilities, whether they are:

20 (a) operated as nonprofit or for-profit facilities;

21 (b) freestanding or part of another health care  
 22 facility; or

23 (c) publicly or privately operated.

24 (5) "Skilled nursing care" and "intermediate nursing  
 25 care" have the same meaning as those terms are defined in

50-5-101.

(6) "Report" means the report of bed days required in 15-60-201.

(7) "Utilization fee" or "fee" means the fee required to be paid for each bed day in a nursing facility, as provided in 15-60-102."

**Section 2.** Section 15-60-102, MCA, is amended to read:

"15-60-102. Utilization fee for bed days in nursing facilities. A nursing facility in the state shall pay to the department of revenue a utilization fee in the amount of \$~~2~~ \$2.85 for each bed day in the facility during fiscal year ~~1992~~ 1994 and \$~~2~~ \$3.65 for each bed day in the facility during fiscal year ~~1993~~ 1995 and each year thereafter."

**NEW SECTION. Section 3. Applicability.** [This act] applies to all bed days on or after July 1, 1993.

**NEW SECTION. Section 4. Effective dates.** (1) [Sections 1 through 3] are effective July 1, 1993, except that rules to administer [sections 1 through 3] may be adopted, but may not be implemented, prior to July 1, 1993.

(2) This section is effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0333, as introduced.

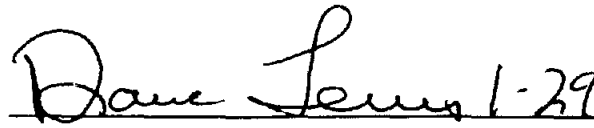
DESCRIPTION OF PROPOSED LEGISLATION:

An act extending application of the utilization fee on nursing facilities to bed days reimbursed by all payors in order to meet requirements for obtaining federal matching funds for fee revenue expended by the state for medicaid items and services; increasing the utilization fee; and providing effective dates and an applicability provision.

ASSUMPTIONS:

1. Under current law, taxable bed days will be 1,615,143 in FY94 and 1,623,623 in FY95 (SRS).
2. Under current law, the fee is \$2.00 per taxable bed day.
3. Under current law, private payor bed days are not taxable.
4. There will be 6,770 and 6,807 total licensed beds in the state during FY94 and FY95 respectively (SRS).
5. There are 365 days in each year of the biennium.
6. The average daily occupancy rate is 91% of total licensed beds (SRS).
7. There are 2,248,656 occupied bed days in FY94 and 2,260,945 in FY95.
8. There are 15,611 tax exempt bed days associated with the Blackfoot Nursing Facility in both FY94 and FY95 (SRS).
9. There are 94,969 taxable bed days associated with State institutions in both FY94 and FY95 (SRS).
10. Under proposed law, there are 2,328,014 taxable bed days in FY94 and 2,340,303 taxable bed days in FY95 (SRS).
11. The proposed law fee is \$2.85 per taxable bed day in FY94 and \$3.65 per taxable bed day in FY95.
12. Medicaid bed fee days total 1,400,091 in FY94 and 1,414,248 in FY95.
13. Bed days paid for by a 3rd party (not Medicaid) total 120,083 in FY94 and 114,406 in FY95.
14. Days paid by private individuals total 712,871 in FY94 and 716,680 in FY94.
15. All payments for bed taxes made by the Department of Corrections and Human Services are from the general fund because the federal reimbursement at the Veteran's Home is capped.
16. Federal funding for Medicaid is 71.02% in FY94 and 70.5% in FY95.

FISCAL IMPACT: (See next page)

  
DAVID LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

JOHN COBB, PRIMARY SPONSOR      DATE

Fiscal Note for HB0333, as introduced

**HB 333**

FISCAL IMPACT:

|                            | <u>FY '94</u>      |                     |                   | <u>FY '95</u>      |                     |                   |
|----------------------------|--------------------|---------------------|-------------------|--------------------|---------------------|-------------------|
| <u>Expenditures:</u>       | <u>Current Law</u> | <u>Proposed Law</u> | <u>Difference</u> | <u>Current Law</u> | <u>Proposed Law</u> | <u>Difference</u> |
| Medicaid Benefits          | 2,800,182          | 3,990,259           | 1,190,077         | 2,828,496          | 5,162,005           | 2,333,509         |
| Department of Corrections  | <u>158,364</u>     | <u>270,662</u>      | <u>112,298</u>    | <u>158,364</u>     | <u>346,637</u>      | <u>188,273</u>    |
| Total Expenditures         | \$2,958,546        | \$4,260,921         | \$1,302,375       | \$2,986,860        | \$5,508,642         | \$2,521,782       |
| <u>Funding:</u>            |                    |                     |                   |                    |                     |                   |
| General Fund               | 969,857            | 1,427,039           | 457,182           | 1,151,134          | 2,027,792           | 876,658           |
| Federal Funds              | <u>1,988,689</u>   | <u>2,833,882</u>    | <u>845,193</u>    | <u>1,835,726</u>   | <u>3,480,850</u>    | <u>1,645,124</u>  |
| Total Funding              | \$2,958,546        | \$4,260,921         | \$1,302,375       | \$2,986,860        | \$5,508,642         | \$2,521,782       |
| <u>Revenues:</u>           |                    |                     |                   |                    |                     |                   |
| Nursing Facility Util. Fee | \$3,230,286        | \$6,634,840         | \$3,404,554       | \$3,247,246        | \$8,542,105         | \$5,294,859       |
| <u>Net Impact:</u>         |                    |                     |                   |                    |                     |                   |
| General Fund               | \$2,260,429        | \$5,207,801         | \$2,947,372       | \$2,096,112        | \$6,514,313         | \$4,418,201       |

TECHNICAL NOTE:

Passage of this legislation will put Montana's nursing home fee in compliance with current federal regulation. The current nursing home fee is out of compliance as it exempts private payors. This broad basing will equalize the fees for all payors.

HB 333

APPROVED BY COMMITTEE  
ON TAXATION

HOUSE BILL NO. 333

INTRODUCED BY COBB

BY REQUEST OF THE DEPARTMENT OF  
SOCIAL AND REHABILITATION SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING APPLICATION OF THE UTILIZATION FEE ON NURSING FACILITIES TO BED DAYS REIMBURSED BY ALL PAYORS IN ORDER TO MEET REQUIREMENTS FOR OBTAINING FEDERAL MATCHING FUNDS FOR FEE REVENUE EXPENDED BY THE STATE FOR MEDICAID ITEMS AND SERVICES; INCREASING THE UTILIZATION FEE; CREATING A STATE SPECIAL REVENUE ACCOUNT; DEPOSITING THE FEE IN THE ACCOUNT; APPROPRIATING FUNDS FOR THE 1995 BIENNIUM; AMENDING SECTIONS 15-60-101 AND, 15-60-102, AND 15-60-210, MCA; AND PROVIDING EFFECTIVE DATES AND AN APPLICABILITY PROVISION."

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

**Section 1.** Section 15-60-101, MCA, is amended to read:

"15-60-101. Definitions. For purposes of this chapter, unless the context requires otherwise, the following definitions apply:

(1) (a) "Bed day" means each whole 24-hour period that a resident of a nursing facility is present in the facility and receiving skilled nursing care or intermediate nursing care or in which a bed is held for a resident while he the

resident is on temporary leave from the facility.

(b) The term includes all periods ~~for which the nursing facility is reimbursed by a third party payor, including but not limited to a private or governmental insurer or public assistance program, but it does not include any period for which the nursing facility may be reimbursed only by the resident, a friend of the resident, or a member of the resident's family~~ of 24 hours described in subsection (1)(a) regardless of the source of payment. The term also includes the day of a resident's admission to a nursing facility and the day of the resident's death, even though the resident is present less than a whole 24-hour period on these days.

(2) "Calendar quarter" means the period of 3 consecutive months ending March 31, June 30, September 30, or December 31.

(3) "Department" means the department of revenue.

(4) "Nursing facility" or "facility" means a health care facility licensed by the department of health and environmental sciences as a nursing facility to provide skilled nursing care or intermediate nursing care. The term includes nursing facilities, whether they are:

(a) operated as nonprofit or for-profit facilities;

(b) freestanding or part of another health care facility; or

(c) publicly or privately operated.

(5) "Skilled nursing care" and "intermediate nursing care" have the same meaning as those terms are defined in 50-5-101.

(6) "Report" means the report of bed days required in 15-60-201.

(7) "Utilization fee" or "fee" means the fee required to be paid for each bed day in a nursing facility, as provided in 15-60-102."

**Section 2.** Section 15-60-102, MCA, is amended to read:

"15-60-102. Utilization fee for bed days in nursing facilities. A nursing facility in the state shall pay to the department of revenue a utilization fee in the amount of ~~\$1~~ \$2.05 \$2 for each bed day in the facility during fiscal year ~~1992~~ 1994 and ~~\$2~~ \$3.65 \$2.80 for each bed day in the facility during fiscal year ~~1993~~ 1995 and each year thereafter. THE FEES COLLECTED MUST BE DEPOSITED IN THE NURSING FACILITY STATE SPECIAL REVENUE ACCOUNT ESTABLISHED IN 15-60-210."

**SECTION 3.** SECTION 15-60-210, MCA, IS AMENDED TO READ:

"15-60-210. Disposition of fee -- nursing facility account. (1) All proceeds from the collection of utilization fees, including penalties and interest, must be deposited in the state--general--fund nursing facility state special revenue account established in subsection (2).

(2) There is a nursing facility account in the state

special revenue fund. The purpose of the account is to provide a continuing source of revenue for nursing facility reimbursements as appropriated by the legislature."

**NEW SECTION. SECTION 4.** APPROPRIATIONS. THE FOLLOWING MONEY IS APPROPRIATED FROM THE ACCOUNT ESTABLISHED IN [SECTION 3] AND FROM FEDERAL MATCHING FUNDS TO THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES TO FUND MEDICAID PAYMENTS TO NURSING FACILITIES:

FISCAL YEAR 1994

|                       |              |
|-----------------------|--------------|
| STATE SPECIAL REVENUE | \$ 4,656,028 |
| FEDERAL               | 11,410,321   |
| TOTAL                 | \$16,066,349 |

FISCAL YEAR 1995

|                       |              |
|-----------------------|--------------|
| STATE SPECIAL REVENUE | \$ 6,552,848 |
| FEDERAL               | 15,660,196   |
| TOTAL                 | \$22,213,044 |

**NEW SECTION. Section 5.** Applicability. [This act] applies to all bed days on or after July 1, 1993.

**NEW SECTION. Section 6.** Effective dates. (1) [Sections 1 through 3] are effective July 1, 1993, except that rules to administer [sections 1 through 3] may be adopted, but may not be implemented, prior to July 1, 1993.

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14 consecutive months ending March 31, June 30, September 30,  
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**SECTION 3.** SECTION 15-60-210, MCA, IS AMENDED TO READ:

"15-60-210. Disposition of fee -- nursing facility account. (1) All proceeds from the collection of utilization fees, including penalties and interest, must be deposited in the state--general--fund nursing facility state special revenue account established in subsection (2).

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|                       |              |
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FISCAL YEAR 1995

|                       |              |
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