

SENATE BILL 94

Introduced by Keating

1/07	Introduced
1/07	Referred to Finance & Claims
1/07	First Reading
1/07	Fiscal Note Requested
1/13	Fiscal Note Received
1/13	Fiscal Note Printed
1/15	Hearing
2/03	Committee Report--Bill Passed as Amended
2/06	Motion Carried to Place on Second Reading on 33rd Legislative Day
2/10	2nd Reading Passed
2/11	3rd Reading Passed
	Transmitted to House
2/23	Referred to Appropriations
2/23	First Reading
3/29	Hearing
3/03	Committee Report--Bill Concurred as Amended
3/31	2nd Reading Concurred
4/01	3rd Reading Concurred
	Returned to Senate with Amendments
4/05	2nd Reading Amendments Not Concurred
4/07	Free Conference Committee Appointed
	House
4/13	Free Conference Committee Appointed Died in Process

1 Senate BILL NO. 94
 2 INTRODUCED BY Keating
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS
 5 RELATING TO COUNTY MEDICAL ASSISTANCE; RESTORING THE
 6 AUTHORITY OF NONASSUMED COUNTIES TO DETERMINE ELIGIBILITY
 7 AND SERVICES FOR COUNTY MEDICAL ASSISTANCE; AMENDING
 8 SECTIONS 53-3-307 AND 53-3-310, MCA; AND PROVIDING AN
 9 IMMEDIATE EFFECTIVE DATE."

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

12 NEW SECTION. **Section 1.** Eligibility for county medical
 13 assistance. (1) In order to be eligible for general relief
 14 medical assistance in a county without state-assumed welfare
 15 services, a person must have a serious medical condition.

16 (2) To determine eligibility for county general relief
 17 medical assistance, a county welfare board may promulgate
 18 rules to establish the circumstances under which persons
 19 unable to pay for their medical aid and hospitalization
 20 qualify for assistance. However, a household with an income
 21 exceeding 300% of the amount established under 53-3-205(2)
 22 is not eligible for county medical assistance.

23 **Section 2.** Section 53-3-307, MCA, is amended to read:

24 "53-3-307. County medical assistance not to be paid
 25 from state funds -- exception. (1) County general relief

1 medical assistance ~~shall~~ under [section 1] may not be
 2 entitled to be paid from state funds.

3 (2) Medical expenses arising from accidental injury to
 4 interstate transients ~~shall~~ must be paid from county funds
 5 and reimbursed by the state upon submission of a proper
 6 claim."

7 **Section 3.** Section 53-3-310, MCA, is amended to read:

8 "53-3-310. Scope of general relief medical assistance
 9 -- limitations. (1) General relief medical assistance is
 10 limited to inpatient--and--outpatient--hospital--services,
 11 physician--services,--and--prescription-drugs those services
 12 medically necessary to treat the serious medical condition
 13 of a person eligible for assistance. Assistance may not
 14 exceed the scope or duration of similar services provided
 15 under the Montana medicaid program pursuant to Title 53,
 16 chapter 6, part 1, and rules adopted by the department to
 17 administer the program.

18 (2) General relief medical assistance in a county
 19 without state-assumed welfare services must, within the
 20 limitations of subsection (1), be provided in amounts
 21 determined by the county welfare board.

22 (3) General relief medical assistance in counties with
 23 state-assumed welfare services must, within the limitations
 24 of subsection (1), be provided in amounts not to exceed
 25 payments under the medicaid program. Services must be

limited to the least costly method of alleviating the serious medical condition.

(4) Except as provided in subsections (8) and (9), general relief medical assistance in a county with state-assumed welfare services is limited to inpatient and outpatient hospital services, physician services, and prescription drugs necessary to treat a person's serious medical condition.

†4†(5) General relief medical assistance is limited to covered medical needs not met by other services or benefits available to the person. Available services or benefits include but are not limited to health and accident insurance, veterans' benefits, industrial accident benefits, medicare and medicaid benefits, and other liable third parties.

†5†(6) A person who is chronically ill may receive general relief medical assistance for services limited to treatment of a serious medical condition related to chronic illness.

†6†(7) A person who has an acute medical need but who is not chronically ill may receive general relief medical assistance but only for services necessary to treat a serious medical condition that requires immediate medical attention to alleviate a serious health risk.

†7†(8) A child less than 18 years of age may receive

the same scope and duration of services as provided under the Montana medicaid program provided for in Title 53, chapter 6.

†8†(9) A person who requires medical services in order to obtain or retain employment may receive services similar to those provided under the Montana medicaid program but only for the duration of need.

†9†(10) Except as provided in subsection †7† (8), nothing in this chapter may be construed to require the same scope of medical services as provided under the Montana medicaid program."

NEW SECTION. Section 4. Codification instruction.
[Section 1] is intended to be codified as an integral part of Title 53, chapter 3, part 2, and the provisions of Title 53, chapter 3, part 2, apply to [section 1].

NEW SECTION. Section 5. Effective date. [This act] 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 SB0094, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

Revising laws relating to County Medical Assistance.

ASSUMPTIONS:

1. Restoring authority of non-State assumed counties to determine eligibility and services for County Medical Assistance will not result in an increase to the general fund, unless total public assistance expenditures exceed 13.5 mills.
2. Expenditures for public assistance will not exceed 13.5 mills in any non-assumed county.

FISCAL IMPACT: None.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

The bill may affect county expenditures, depending on how the counties choose to administer their medical program, within the guidelines provided in MCA 53-3-307 and 53-3-310.

TECHNICAL AND/OR MECHANICAL DEFECTS:

The bill contains a change to the language contained in Section 3 (1), MCA 53-3-310, referring to medical necessity in determining if the services received are eligible for payment under general relief medical assistance. The term medical necessity is not defined and may be inconsistent with the language proposed for Section 3 (4), MCA 53-3-310.

David Lewis 1-12-93
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Thomas F. Keating 1/13/93
THOMAS F. KEATING, PRIMARY SPONSOR DATE
Fiscal Note for SB0094, as introduced

5894

APPROVED BY COMM. ON
FINANCE AND CLAIMSSENATE BILL NO. 94
INTRODUCED BY KEATING

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO COUNTY MEDICAL ASSISTANCE; RESTORING THE AUTHORITY OF NONASSUMED COUNTIES TO DETERMINE ELIGIBILITY AND SERVICES FOR COUNTY MEDICAL ASSISTANCE; AMENDING THE LAW RELATED TO EMERGENCY GRANTS FROM STATE FUNDS TO COUNTIES; AMENDING SECTIONS 53-2-323, 53-3-307, AND 53-3-310, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Eligibility for county medical assistance.** (1) In order to be eligible for general relief medical assistance in a county without state-assumed welfare services, a person must have a serious medical condition.

(2) To determine eligibility for county general relief medical assistance, a county welfare board may promulgate rules to establish the circumstances under which persons unable to pay for their medical aid and hospitalization qualify for assistance. However, a household with an income exceeding 300% of the amount established under 53-3-205(2) is not eligible for county medical assistance.

SECTION 2. SECTION 53-2-323, MCA, IS AMENDED TO READ:

"53-2-323. Emergency grants from state funds to

counties. Except when a county has transferred its public assistance and protective services responsibilities to the state under part 8 of this chapter, a county may apply to the department for an emergency grant-in-aid, and the grant shall be made to the county upon the following conditions:

(1) The board of county commissioners or a duly elected or appointed executive officer of the county shall make written application to the department for emergency assistance and shall show by written report and sworn affidavit of the county clerk and recorder and chairman of the board of county commissioners or other duly elected or appointed executive officer of the county the following:

(a) that the county will not be able to meet its obligations under law to provide assistance to the needy of the county or meet its proportionate share of any public assistance activity carried on jointly with the department;

(b) that all lawful sources of revenue and other income to the county poor fund will be exhausted;

(c) that all expenditures from the county poor fund have been lawfully made; and

(d) that all expenditures from the county poor fund have been reasonable and necessary, according to criteria set by the department in rules adopted for that purpose, for the county to meet its obligations under law to provide assistance to the needy.

(2) Within 10 days of receipt of the application and affidavit, the department shall determine whether the county poor fund will be depleted and shall give notice to the county of the department's intention to deny or allow the grant-in-aid. Before a grant-in-aid for any fiscal year may be made to a county under this section, any money credited during that fiscal year to the depletion allowance reserve fund from the sources provided by 7-34-2402(2) shall be transferred to the county poor fund to be used for lawful poor fund expenditures. The amount of the grant-in-aid shall be determined after all sources of income available to the poor fund, including the depletion allowance reserve fund transfers, have been exhausted.

(3) Within 10 days of receiving notice from the department that a grant-in-aid will be made to the county, the board of county commissioners or other duly elected or appointed executive officer of the county shall adopt an emergency budget. There is no requirement of notice and hearing for that emergency budget. The emergency budget shall state the amount required to meet the obligation of the county and shall allocate that whole amount among the various classes of expenditures for which the grant was made.

(4) Upon receipt and approval of the county emergency budget, the department shall issue a warrant to the county

treasurer of the county for the total amount stated in the approved emergency budget.

(5) The grant-in-aid received by the county shall be placed in an emergency fund account to be kept separate and distinct from the poor fund account. All expenditures from the emergency fund account shall be made by a separate series of warrants or checks marked as emergency warrants or checks.

(6) The grants-in-aid from the department may be used only for public assistance activities lawfully conducted by the county, including but not limited to medical aid, hospitalization, and institutional care. No part of a grant-in-aid may be used, directly or indirectly, to pay for the erection or improvement of any county building or for furniture, fixtures, appliances, or equipment for a county building.

(7) Grants-in-aid may not be used to reimburse counties for expenditures relating to medical assistance provided under Title 53, chapter 3, if the expenditures were incurred as a result of eligibility standards greater than that allowed by law for state-assumed counties or if medical expenditures were incurred as a result of providing medical services other than inpatient or outpatient hospital services, physician services, and prescription drugs necessary to treat a person's serious medical condition.

1 ~~(7)~~(8) In the event the county poor fund is replenished
 2 by other lawful sources of revenue, the county shall issue
 3 warrants to meet its obligations from the county poor fund
 4 until such time as that fund is again so depleted that
 5 warrants can no longer lawfully be drawn on that account.
 6 Upon depletion of the county poor fund, the county may again
 7 make disbursements from the emergency fund account as
 8 provided in subsection (5). At the close of the county
 9 fiscal year, the county shall return to the department any
 10 amounts remaining in the county poor fund and the emergency
 11 fund account, but the remaining amount to be returned may
 12 not exceed the total amount of the emergency grant-in-aid
 13 for that fiscal year.

14 ~~(8)~~(9) Any amount which is unlawfully disbursed or
 15 transferred from the emergency fund account or used for a
 16 purpose other than that specified in the grant-in-aid shall
 17 be returned by the county to the department."

18 **Section 3.** Section 53-3-307, MCA, is amended to read:

19 "53-3-307. County medical assistance not to be paid
 20 from state funds -- exception. (1) County general relief
 21 medical assistance shall under [section 1] may not be
 22 entitled to be paid from state funds.

23 (2) Medical expenses arising from accidental injury to
 24 interstate transients shall must be paid from county funds
 25 and reimbursed by the state upon submission of a proper

1 claim."

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 10 under the Montana medicaid program pursuant to Title 53,
 11 chapter 6, part 1, and rules adopted by the department to
 12 administer the program.

13 (2) General relief medical assistance in a county
 14 without state-assumed welfare services must, within the
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 21 the same scope and duration of services as provided under
 22 the Montana medicaid program provided for in Title 53,
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 25 to obtain or retain employment may receive services similar

1 to those provided under the Montana medicaid program but
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 4 nothing in this chapter may be construed to require the same
 5 scope of medical services as provided under the Montana
 6 medicaid program."

7 NEW SECTION. Section 5. Codification instruction.
 8 [Section 1] is intended to be codified as an integral part
 9 of Title 53, chapter 3, part 2, and the provisions of Title
 10 53, chapter 3, part 2, apply to [section 1].

11 NEW SECTION. Section 6. Effective date. [This act] is
 12 effective on passage and approval.

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1 SENATE BILL NO. 94

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2 assistance and protective services responsibilities to the
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4 the department for an emergency grant-in-aid, and the grant
5 shall be made to the county upon the following conditions:

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7 or appointed executive officer of the county shall make
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9 assistance and shall show by written report and sworn
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14 obligations under law to provide assistance to the needy of
15 the county or meet its proportionate share of any public
16 assistance activity carried on jointly with the department;

17 (b) that all lawful sources of revenue and other income
18 to the county poor fund will be exhausted;

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20 have been lawfully made; and

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24 the county to meet its obligations under law to provide
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 5 scope of medical services as provided under the Montana
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7 NEW SECTION. Section 5. Codification instruction.
 8 [Section 1] is intended to be codified as an integral part
 9 of Title 53, chapter 3, part 2, and the provisions of Title
 10 53, chapter 3, part 2, apply to [section 1].

11 NEW SECTION. Section 6. Effective date. [This act] is
 12 effective on passage and approval.

-End-

HOUSE STANDING COMMITTEE REPORT

March 30, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that Senate Bill 94 (third reading copy -- blue) be concurred in as amended .

Signed: 

Tom Zook, Chair

And, that such amendments read:

Carried by: Rep. Cobb

1. Title, lines 5 through 7.

Strike: "RESTORING THE AUTHORITY OF NONASSUMED COUNTIES TO
DETERMINE ELIGIBILITY AND SERVICES FOR COUNTY MEDICAL
ASSISTANCE;"

2. Title, line 9.

Strike: "1 53-3-3071,"

3. Page 1, lines 13 through 23.

Strike: Section 1 in its entirety.

Renumber: subsequent sections

4. Page 5, line 18 through page 6, line 1.

Strike: section 3 in it entirety

Renumber: subsequent sections

5. Page 8, lines 7 through 10.

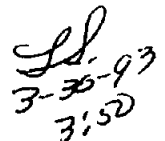
Strike: Section 5 in its entirety.

Insert: "NEW SECTION. Section 3. Coordination instruction. If
House Bill No. 427 is passed and approved, then [this act]
is void."

Renumber subsequent section

-END-

SB 94


3-30-93
3:50

Committee Vote:

HOUSE

SENATE BILL NO. 94

INTRODUCED BY KEATING

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO COUNTY MEDICAL ASSISTANCE; ~~RESTORING--THE AUTHORITY-OF-NONASSUMED-COUNTIES--TO--DETERMINE--ELIGIBILITY AND-SERVICES-FOR-COUNTY-MEDICAL-ASSISTANCE;~~ AMENDING THE LAW RELATED TO EMERGENCY GRANTS FROM STATE FUNDS TO COUNTIES; AMENDING SECTIONS 53-2-323, 53-3-307, AND 53-3-310, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

~~NEW-SECTION--Section 1--Eligibility-for-county-medical-- assistance--(1)-in-order-to-be-eligible-for--general--relief medical-assistance-in-a-county-without-state-assumed-welfare services,-a-person-must-have-a-serious-medical-condition- (2)--To--determine-eligibility-for-county-general-relief medical-assistance,-a-county-welfare--board--may--promulgate rules--to--establish--the--circumstances-under-which-persons unable-to-pay-for--their--medical--aid--and--hospitalization qualify--for-assistance--However,-a-household-with-an-income exceeding-300%-of-the-amount-established--under--53-3-205(2) is-not-eligible-for-county-medical-assistance-~~

SECTION 1. SECTION 53-2-323, MCA, IS AMENDED TO READ:

"53-2-323. Emergency grants from state funds to

counties. Except when a county has transferred its public assistance and protective services responsibilities to the state under part 8 of this chapter, a county may apply to the department for an emergency grant-in-aid, and the grant shall be made to the county upon the following conditions:

(1) The board of county commissioners or a duly elected or appointed executive officer of the county shall make written application to the department for emergency assistance and shall show by written report and sworn affidavit of the county clerk and recorder and chairman of the board of county commissioners or other duly elected or appointed executive officer of the county the following:

(a) that the county will not be able to meet its obligations under law to provide assistance to the needy of the county or meet its proportionate share of any public assistance activity carried on jointly with the department;

(b) that all lawful sources of revenue and other income to the county poor fund will be exhausted;

(c) that all expenditures from the county poor fund have been lawfully made; and

(d) that all expenditures from the county poor fund have been reasonable and necessary, according to criteria set by the department in rules adopted for that purpose, for the county to meet its obligations under law to provide assistance to the needy.

1 (2) Within 10 days of receipt of the application and
 2 affidavit, the department shall determine whether the county
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 6 be made to a county under this section, any money credited
 7 during that fiscal year to the depletion allowance reserve
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 9 transferred to the county poor fund to be used for lawful
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 21 the county and shall allocate that whole amount among the
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 11 the county, including but not limited to medical aid,
 12 hospitalization, and institutional care. No part of a
 13 grant-in-aid may be used, directly or indirectly, to pay for
 14 the erection or improvement of any county building or for
 15 furniture, fixtures, appliances, or equipment for a county
 16 building.

17 (7) Grants-in-aid may not be used to reimburse counties
 18 for expenditures relating to medical assistance provided
 19 under Title 53, chapter 3, if the expenditures were incurred
 20 as a result of eligibility standards greater than that
 21 allowed by law for state-assumed counties or if medical
 22 expenditures were incurred as a result of providing medical
 23 services other than inpatient or outpatient hospital
 24 services, physician services, and prescription drugs
 25 necessary to treat a person's serious medical condition.

~~{7}~~(8) In the event the county poor fund is replenished by other lawful sources of revenue, the county shall issue warrants to meet its obligations from the county poor fund until such time as that fund is again so depleted that warrants can no longer lawfully be drawn on that account. Upon depletion of the county poor fund, the county may again make disbursements from the emergency fund account as provided in subsection (5). At the close of the county fiscal year, the county shall return to the department any amounts remaining in the county poor fund and the emergency fund account, but the remaining amount to be returned may not exceed the total amount of the emergency grant-in-aid for that fiscal year.

~~{8}~~(9) Any amount which is unlawfully disbursed or transferred from the emergency fund account or used for a purpose other than that specified in the grant-in-aid shall be returned by the county to the department."

Section 3. ~~Section 53-3-307, MCA, is amended to read:~~

~~"53-3-307. County medical assistance not to be paid from state funds--exception--{1} County general relief medical assistance shall under {section 1} may not be entitled to be paid from state funds.~~

~~{2} Medical expenses arising from accidental injury to interstate transients shall must be paid from county funds and reimbursed by the state upon submission of a proper~~

~~claim."~~

Section 2. Section 53-3-310, MCA, is amended to read:

~~"53-3-310. Scope of general relief medical assistance -- limitations. (1) General relief medical assistance is limited to inpatient--and--outpatient--hospital--services, physician--services,--and--prescription-drugs those services medically necessary to treat the serious medical condition of a person eligible for assistance. Assistance may not exceed the scope or duration of similar services provided under the Montana medicaid program pursuant to Title 53, chapter 6, part 1, and rules adopted by the department to administer the program.~~

~~(2) General relief medical assistance in a county without state-assumed welfare services must, within the limitations of subsection (1), be provided in amounts determined by the county welfare board.~~

~~(3) General relief medical assistance in counties with state-assumed welfare services must, within the limitations of subsection (1), be provided in amounts not to exceed payments under the medicaid program. Services must be limited to the least costly method of alleviating the serious medical condition.~~

~~(4) Except as provided in subsections (8) and (9), general relief medical assistance in a county with state-assumed welfare services is limited to inpatient and~~

1 outpatient hospital services, physician services, and
 2 prescription drugs necessary to treat a person's serious
 3 medical condition.

4 {4}{5} General relief medical assistance is limited to
 5 covered medical needs not met by other services or benefits
 6 available to the person. Available services or benefits
 7 include but are not limited to health and accident
 8 insurance, veterans' benefits, industrial accident benefits,
 9 medicare and medicaid benefits, and other liable third
 10 parties.

11 {5}{6} A person who is chronically ill may receive
 12 general relief medical assistance for services limited to
 13 treatment of a serious medical condition related to chronic
 14 illness.

15 {6}{7} A person who has an acute medical need but who
 16 is not chronically ill may receive general relief medical
 17 assistance but only for services necessary to treat a
 18 serious medical condition that requires immediate medical
 19 attention to alleviate a serious health risk.

20 {7}{8} A child less than 18 years of age may receive
 21 the same scope and duration of services as provided under
 22 the Montana medicaid program provided for in Title 53,
 23 chapter 6.

24 {8}{9} A person who requires medical services in order
 25 to obtain or retain employment may receive services similar

1 to those provided under the Montana medicaid program but
 2 only for the duration of need.

3 {9}{10} Except as provided in subsection {7} (8),
 4 nothing in this chapter may be construed to require the same
 5 scope of medical services as provided under the Montana
 6 medicaid program."

7 ~~NEW-SECTION--Section 5--Codification-----instruction--~~
 8 ~~{Section--1}--is-intended-to-be-codified-as-an-integral-part~~
 9 ~~of-Title-53,chapter-3,part-2,and-the-provisions-of--Title~~
 10 ~~53,chapter-3,part-2,apply-to-{section-1}.~~

11 NEW SECTION. SECTION 3. COORDINATION INSTRUCTION. IF
 12 HOUSE BILL NO. 427 IS PASSED AND APPROVED, THEN [THIS ACT]
 13 IS VOID.

14 NEW SECTION. Section 4. Effective date. [This act] is
 15 effective on passage and approval.

-End-