

1 HOUSE BILL NO. 36

2 INTRODUCED BY SHEA

3 BY REQUEST OF THE DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING RESIDENTS OF THE MONTANA CHEMICAL
6 DEPENDENCY CENTER IN THE ASSESSMENT AND COLLECTION OF RESIDENTIAL CARE CHARGES;
7 CONFORMING TO EXISTING LAW THE DEBT COLLECTION FOR PER DIEM AND ANCILLARY CHARGES
8 RELATED TO INSTITUTIONAL CARE; AND AMENDING SECTIONS 53-1-402, 53-1-409, 53-1-411, AND
9 53-1-413, MCA."

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

12
13 **Section 1.** Section 53-1-402, MCA, is amended to read:

14 **"53-1-402. Residents subject to per diem and ancillary charges.** (1) The department shall assess
15 and collect per diem and ancillary charges for the care of residents in the following institutions:

- 16 (a) Montana state hospital;
17 (b) Montana developmental center;
18 (c) Montana veterans' home;
19 (d) eastern Montana veterans' home;
20 (e) Montana center for the aged;
21 (f) Eastmont human services center; and
22 (g) Montana chemical dependency center.

23 (2) This section does not apply to the eastern Montana veterans' home if the department contracts
24 with a private vendor to operate the facility as provided for in 10-2-416."

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26 **Section 2.** Section 53-1-409, MCA, is amended to read:

27 **"53-1-409. Liability of resident or responsible person for assessed charges.** (1) The resident or
28 financially responsible person is liable only for the per diem and ancillary charges ~~which~~ that the department
29 has assessed and billed the resident or financially responsible person. If amounts assessed and billed are
30 retroactively reduced because of a new determination of ability to pay, the resident or financially

1 responsible person is liable only for the reduced amount for the period of time covered by the retroactive
2 reduction.

3 (2) The natural or adoptive parents of long-term residents are liable only for the charges made by
4 the department for care in an amount not to exceed the cost of caring for a normal child at home as
5 determined from standard sources by the department.

6 (3) Natural or adoptive parents of a long-term resident are not liable for any charges made by the
7 department for care of a long-term resident incurred or accrued subsequent to the resident attaining ~~age~~
8 18 years of age.

9 (4) (a) ~~No~~ A resident or financially responsible person is not financially liable for care provided to
10 a resident under any provision of a criminal statute.

11 (b) Subsection (4)(a) does not apply to a person who is enrolled in the Montana ~~state hospital~~
12 ~~alcohol program~~ chemical dependency center."

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14 **Section 3.** Section 53-1-411, MCA, is amended to read:

15 "**53-1-411. Collections by ~~department of revenue~~ state auditor.** If a resident or financially
16 responsible person liable for payment of per diem and ancillary charges due under this part refuses or fails
17 to make the payment, it is collectible by the ~~department of revenue~~ state auditor in the manner set forth
18 in Title 17, chapter 4, for the collection of debts owing to the state or by a civil suit brought by the
19 ~~department of revenue~~ state auditor in the name of the state ~~of Montana~~."

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21 **Section 4.** Section 53-1-413, MCA, is amended to read:

22 "**53-1-413. Deposit of payments.** (1) Except as provided in 90-7-220 and subsection (2) of this
23 section, the department shall deposit payments of per diem and ancillary charges in the state treasury to
24 the credit of the general fund.

25 (2) Payments from the Montana veterans' home ~~shall~~ must be deposited in the federal special
26 revenue fund for the benefit of the home, and payments from the Montana ~~state hospital alcohol~~ chemical
27 dependency center program ~~shall~~ must be deposited to an alcohol state special revenue account."

28

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0036, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

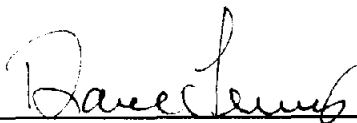
A bill that includes the residents of the Montana Chemical Dependency Center in the assessment and collection of residential care charges, conforming to existing law the debt collection for per diem and ancillary charges related to institutional care.

ASSUMPTIONS:

1. This bill clarifies the law to enable the Department of Corrections and Human Services to continue collecting approximately \$63,000 in reimbursements each fiscal year of the biennium.

FISCAL IMPACT:

No Fiscal Impact



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

1-2-95



DEBBIE SHEA, PRIMARY SPONSOR DATE

1-5-95

Fiscal Note for HB0036, as introduced

HB 36

APPROVED BY COMM. ON
HUMAN SERVICES AND AGING

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