

SENATE BILL NO. 158

INTRODUCED BY *Waterman, Hildebrand, Christensen, B. C. Brown, Cobb*

BY REQUEST OF THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES *B. Baumbach*

A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING LONG-TERM CARE REFORM; STATING THE PURPOSE AND POLICY OF THE STATE IN REGARD TO PROVIDING STATE PROGRAMS OF ASSISTANCE FOR THE ELDERLY AND FOR PERSONS WITH DISABILITIES; DIRECTING STATE AGENCY COOPERATION IN THE DEVELOPMENT, IMPLEMENTATION, AND COORDINATION OF STATE PROGRAMS OF ASSISTANCE FOR THE ELDERLY AND FOR PERSONS WITH DISABILITIES; AND REQUIRING A REPORT TO THE 55TH LEGISLATURE ON THE PROGRESS OF LONG-TERM CARE REFORM."

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

NEW SECTION. Section 1. Short title. [Sections 1 through 3] may be cited as the "Montana Long-Term Care Reform Act".

NEW SECTION. Section 2. Purpose -- policy. (1) The legislature finds that in keeping with the traditional concept of the inherent dignity of the individual in a democratic society, the elderly or persons with disabilities should be able to live as independently as possible.

(2) The legislature further finds that:

(a) the ability to continue to live in a person's own residence or in the least restrictive setting best serves the health and dignity of the elderly or persons with disabilities;

(b) state programs of assistance for the elderly or persons with disabilities should be coordinated in a manner that best serves the interests of the recipients;

(c) state programs of assistance for the elderly or persons with disabilities should encourage the development of services that support the maintenance of lives as independently as possible;

(d) state programs of assistance for the elderly or persons with disabilities should encourage the development of affordable services for persons seeking services, whether financed through private means or public means;

(e) the elderly or persons with disabilities should be able to obtain insurance and other means of



1 private financing for services that are affordable and readily available; and

2 (f) state agencies are required to carry out their various responsibilities for the provision of
3 assistance, the protection of the elderly and persons with disabilities, and the licensing of facilities and
4 professions in accordance with [sections 1 through 3].

5 (3) The legislature declares that the policy of this state is to:

6 (a) respect the dignity of persons in the provision of state-sponsored and state-funded services for
7 the elderly and persons with disabilities by seeking to maintain the maximum level of independence possible
8 for those persons receiving services;

9 (b) foster the development of community services that allow a person to choose to remain in a
10 person's own residence or in the least restrictive setting;

11 (c) foster coordination of services for the elderly or persons with disabilities among the various
12 public and private programs; and

13 (d) foster the development of private means of financing services for the elderly or persons with
14 disabilities.

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16 **NEW SECTION. Section 3. Long-term care service development -- coordination -- delivery.** (1)

17 The departments of social and rehabilitation services, family services, health and environmental sciences,
18 and corrections and human services shall cooperate in the development, implementation, and coordination
19 of state programs of assistance for the elderly or persons with disabilities.

20 (2) The planning and delivery systems that provide state programs of assistance for the elderly and
21 persons with disabilities must be jointly coordinated to foster:

22 (a) efficient and cost-effective financing, service delivery, intake, eligibility, assessment, and other
23 measures, as appropriate; and

24 (b) general development of service systems that may serve persons with either private means or
25 public means of financing services at a reasonable cost.

26 (3) State programs of assistance for the elderly or for persons with disabilities should be made
27 available in the most appropriate, most cost-effective, and least restrictive residential setting integrated into
28 a community.

29 (4) State programs of assistance that provide services or oversight in order to maintain or to
30 protect a person's health and social life should recognize the person's dignity and independence.

1 **NEW SECTION. Section 4. Report on implementation of long-term care reform.** The department
2 of social and rehabilitation services in cooperation with the departments of family services, health and
3 environmental sciences, corrections and human services, labor and industry, and commerce shall present
4 a report to the 55th legislature on the implementation of long-term care reform. The report should include
5 suggested legislation, if any, to make necessary changes for the implementation of long-term care reform,
6 including but not limited to the reform of licensing for facilities and professions.

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8 **NEW SECTION. Section 5. Codification instruction.** [Sections 1 through 3] are intended to be
9 codified as an integral part of Title 53, chapter 6, and the provisions of Title 53, chapter 6, apply to
10 [sections 1 through 3].

11

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0158, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

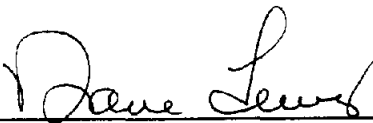
An act implementing long-term care reform; stating the purpose and policy of the state in regard to providing state programs of assistance for the elderly and for persons with disabilities; directing state agency cooperation in the development, implementation, and coordination of state programs of assistance for the elderly and for persons with disabilities; and requiring a report to the 55th legislature on the progress of long-term care reform.


ASSUMPTIONS:

1. The Executive Budget present law base serves as the starting point from which to calculate any impact due to this proposed legislation.
2. All impacted state agencies will cooperate to prepare a report to the 55th Legislature on the implementation of long-term care reform.
3. All requirements under this bill can be met by state agencies within their present law base budgets.

FISCAL IMPACT:

None.

 1-22-95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning


MIGNON WATERMAN, PRIMARY SPONSOR DATE
Fiscal Note for SB0158, as introduced
SB 158

APPROVED BY COM ON PUBLIC HEALTH, WELFARE & SAFETY

SENATE BILL NO. 158

INTRODUCED BY Waterman, Hollings, Christensen, B. C. Brown, Cobb

BY REQUEST OF THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES B. Baudouin

W. Ryan, Holland, Hagan, Johnson, Mendenhall, Keating, Jacobson, M. K. 2, Eckhardt

A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING LONG-TERM CARE REFORM; STATING THE PURPOSE AND POLICY OF THE STATE IN REGARD TO PROVIDING STATE PROGRAMS OF ASSISTANCE FOR THE ELDERLY AND FOR PERSONS WITH DISABILITIES; DIRECTING STATE AGENCY COOPERATION IN THE DEVELOPMENT, IMPLEMENTATION, AND COORDINATION OF STATE PROGRAMS OF ASSISTANCE FOR THE ELDERLY AND FOR PERSONS WITH DISABILITIES; AND REQUIRING A REPORT TO THE 55TH LEGISLATURE ON THE PROGRESS OF LONG-TERM CARE REFORM."

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(b) state programs of assistance for the elderly or persons with disabilities should be coordinated in a manner that best serves the interests of the recipients;

(c) state programs of assistance for the elderly or persons with disabilities should encourage the development of services that support the maintenance of lives as independently as possible;

(d) state programs of assistance for the elderly or persons with disabilities should encourage the development of affordable services for persons seeking services, whether financed through private means or public means;

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4 professions in accordance with [sections 1 through 3].

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BY REQUEST OF THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES Baudach

W. Ryan, Hillard, Hoyer, Johnson, Miller, Keating, M. K. 2, Jacobson, Mercurio, Echols

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3 JACOBSON, HIBBARD, HARPER, J. JOHNSON, BARTLETT, KEATING, MENAHAN, MCKEE, ECK,
4 GRADY

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