

SENATE BILL NO. 62

INTRODUCED BY C. GLIMM

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS TO REQUIRE THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO END THE EXPANDED MEDICAID PROGRAM FOR ABLE-BODIED ADULTS AND APPLY FOR A WAIVER TO MAINTAIN FEDERAL FUNDING FOR EXISTING PARTICIPANTS; AMENDING SECTION 53-6-1304, MCA; AMENDING SECTION 28, CHAPTER 368, LAWS OF 2015, SECTION 38, CHAPTER 415, LAWS OF 2019, AND SECTION 48, CHAPTER 415, LAWS OF 2019; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Eligibility for participation in expanded medicaid program --**

directions to department -- authority of department. (1) Notwithstanding the eligibility requirements of 53-6-1304, the department may not enroll individuals in the expanded medicaid program provided for in Title 53, chapter 6, part 13, on or after September 1, 2025, unless the individual was already enrolled on August 31, 2025, and remained enrolled continuously afterward.

(2) The department shall apply for a federal waiver from the centers for medicare and medicaid services requesting the continuation of existing eligibility and federal matching fund levels for the individuals who remain enrolled in the expanded medicaid program provided for in Title 53, chapter 6, part 13, after September 1, 2025.

(3) Nothing in this section may be construed to limit the department's discretion in the event of a loss or decrease in federal matching funds for existing enrollees or the assumption of responsibilities to provide coverage equivalent to medicaid outside the federal medicaid program. The department, in these circumstances, may include additional or conditional measures to further increase program integrity, limit spending, and promote self-sufficiency, including but not limited to community engagement requirements, biannual redeterminations, a suspension of the use of prepopulated forms and automatic renewal of eligibility based on available information, and a lifetime benefit limit for able-bodied adults.

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2 **Section 2.** Section 53-6-1304, MCA, is amended to read:

3 **"53-6-1304. (Temporary) Montana HELP Act program -- eligibility for coverage of health care**
4 **services -- exceptions.** (1) ~~(a) An~~ Except as provided in subsection (1)(b), an individual is eligible for coverage
5 of health care services provided pursuant to this part if the individual meets the requirements of 42 U.S.C.
6 1396a(a)(10)(A)(i)(VIII).

7 (b) The department may not enroll an individual identified by this section for coverage of health
8 care services pursuant to this part on or after September 1, 2025, unless the individual was already enrolled on
9 August 31, 2025, and remained enrolled continuously afterward.

10 (2) The department may serve individuals who are eligible for medicaid-funded services pursuant
11 to this part through the medical assistance program established in Title 53, chapter 6, part 1, if the individuals
12 would be served more appropriately because the individuals:

13 (a) have exceptional health care needs, including but not limited to medical, mental health, or
14 developmental conditions;

15 (b) live in a geographical area, including an Indian reservation, that would not be effectively or
16 efficiently served through this part;

17 (c) need continuity of care that would not be available or cost-effective through this part;

18 (d) are exempt under the waiver implementing this part as of July 1, 2019; or

19 (e) are otherwise exempt under federal law. ~~(Terminates June 30, 2025 on occurrence of~~
20 contingency--secs. 38, 48, Ch. 415, L. 2019.)"

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22 **Section 3.** Section 28, Chapter 368, Laws of 2015, is amended to read:

23 **"Section 28. ~~Termination~~Contingent termination.** ~~(1) [This act] terminates June 30, 2019.~~

24 ~~(2) The department may reapply for the same waiver received to implement the Montana Health~~
25 ~~and Economic Livelihood Partnership Act program if the waiver expires before June 30, 2019. (1) [This act]~~
26 terminates on the date that the director of public health and human services certifies to the governor that there
27 are no remaining participants in the expanded medicaid program provided for in Title 53, chapter 6, part 13.

28 (2) The governor shall transmit a copy of the certification to the code commissioner."

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Section 4. Section 38, Chapter 415, Laws of 2019, is amended to read:

"Section 1. Section 28, Chapter 368, Laws of 2015, is amended to read:

"Section 28. ~~Termination~~Contingent termination. ~~(1) [This act] terminates June 30, 2019 June 30, 2025.~~

~~(2) The department may reapply for the same waiver received to implement the Montana Health and Economic Livelihood Partnership Act program if the waiver expires before June 30, 2019 June 30, 2025.~~

~~(1) [This act] terminates on the date that the director of public health and human services certifies to the governor that there are no remaining participants in the expanded medicaid program provided for in Title 53, chapter 6, part 13.~~

~~(2) The governor shall transmit a copy of the certification to the code commissioner."~~

Section 5. Section 48, Chapter 415, Laws of 2019, is amended to read:

"Section 48. ~~Termination -- contingency-- intent.~~ ~~(1) If a court of final disposition finds that the community engagement requirements provided for in [section 1] are invalid, [this act] terminates June 30, 2025.~~

~~(2) It is the intent of the legislature that if the contingency provided for in subsection (1) occurs, the legislature has an opportunity to consider issues of program integrity, reform, and cost effectiveness to determine whether [this act] should continue. (1) [This act] terminates on the date that the director of public health and human services certifies to the governor that there are no remaining participants in the expanded medicaid program provided for in Title 53, chapter 6, part 13.~~

~~(2) The governor shall transmit a copy of the certification to the code commissioner.~~

~~(3) [Sections 19 and 20] regarding supplemental transfers terminate June 30, 2021."~~

NEW SECTION. **Section 6. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 53, chapter 6, part 13, and the provisions of Title 53, chapter 6, part 13, apply to [section 1].

NEW SECTION. **Section 7. Effective date.** [This act] is effective on passage and approval.

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