

SENATE BILL NO. 72

INTRODUCED BY M. YAKAWICH

BY REQUEST OF THE CHILDREN, FAMILIES, HEALTH AND HUMAN SERVICES INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR PRESUMPTIVE ELIGIBILITY UNDER THE MONTANA MEDICAID PROGRAM FOR CERTAIN HOME AND COMMUNITY-BASED SERVICES FOR PERSONS WITH PHYSICAL DISABILITIES AND PERSONS WHO ARE ELDERLY; PROVIDING A SCREENING PROCESS FOR PRESUMPTIVE ELIGIBILITY; AND STATING TERMS OF PRESUMPTIVE ELIGIBILITY."

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

**NEW SECTION. Section 1. Presumptive eligibility for persons with physical disabilities or elderly persons.** (1) (a) Presumptive eligibility under the Montana medicaid program for certain home and community-based services may be granted to a person who has a physical disability or who is elderly upon completion of the following:

- (i) the screening process described in this section; and
- (ii) authorization by the division of the department that administers long-term care services for senior citizens and individuals with physical disabilities.

(b) Home and community-based services covered under the presumptive eligibility determination as provided for in this section include the following:

- (i) personal care services;
- (ii) meal delivery;
- (iii) personal emergency response systems;
- (iv) medical equipment and supplies;
- (v) assistive or adaptive technology; and
- (vi) other services necessary to successfully transition a patient from a hospital to the community or stabilize a patient within the community to prevent hospitalization.

- 1           (2)    (a) The screening process may be conducted by staff of:
- 2           (i)    the division of the department that administers long-term care services for senior citizens and
- 3 individuals with physical disabilities; or
- 4           (ii)   one of the following facilities who have received training and certification from the department
- 5 to make presumptive eligibility determinations:
- 6           (A)    an area agency on aging or its designated subcontractor;
- 7           (B)    a tribal entity;
- 8           (C)    a hospital or hospital-affiliated facility; or
- 9           (D)    another entity deemed appropriate by the department or the division of the department that
- 10 administers long-term care services for senior citizens and individuals with physical disabilities.
- 11          (b)    Initial training of staff must be completed before an entity is certified to complete presumptive
- 12 eligibility determinations, and the certification must be renewed annually.
- 13          (3)    The screening process must include:
- 14           (a)    an application as prescribed by the department;
- 15           (b)    self-attestation that the applicant meets the income, resource, and residency requirements of
- 16 the Montana medicaid program as prescribed in 53-6-131; and
- 17           (c)    a functional assessment to establish an in-home and community care plan.
- 18          (4)    The applicant or the applicant's representative shall submit an application for ongoing coverage
- 19 under the Montana medicaid program as provided in 53-6-131 within 10 calendar days following the applicant's
- 20 presumptive eligibility determination.
- 21          (5)    The presumptive eligibility period begins on the date the screening is completed and ends on
- 22 the date a determination of ongoing Montana medicaid program eligibility is made or at the end of the month
- 23 following the month of the presumptive eligibility determination, whichever is earlier.
- 24          (6)    A person may receive services under a presumptive eligibility determination only once within a
- 25 consecutive 12-month period.
- 26          (7)    The applicant does not have a right to an administrative hearing on presumptive eligibility.

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28           NEW SECTION. **Section 2. Notification to tribal governments.** The secretary of state shall send a

1 copy of [this act] to each federally recognized tribal government in Montana.

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3 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an  
4 integral part of Title 53, chapter 6, part 4, and the provisions of Title 53, chapter 6, part 4, apply to [section 1].

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