

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SENATE BILL NO. 88
INTRODUCED BY D. FERN
BY REQUEST OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE PUBLICATION PROCESS OF CERTIFICATE OF NEED LETTERS OF INTENT; AMENDING SECTION 50-5-302, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 50-5-302, MCA, is amended to read:

"50-5-302. Letter of intent -- application and review process. (1) The department may adopt rules including but not limited to rules for:

- (a) the form and content of letters of intent and applications;
- (b) the scheduling of reviews;
- (c) the format of public informational hearings and reconsideration hearings;
- (d) the circumstances under which applications may be comparatively reviewed; and
- (e) the circumstances under which a certificate of need may be approved for the use of hospital beds to provide skilled nursing care, intermediate nursing care, or intermediate developmental disability care to patients or residents needing only that level of care.

(2) At least 30 days before any person or persons acquire or enter into a contract to acquire 50% or more of an existing long-term care facility, they shall submit to the department a letter noting intent to acquire the facility and of the services to be offered in the facility and its bed capacity.

(3) Any person intending to initiate an activity for which a certificate of need is required shall submit a letter of intent to the department.

(4) The department may determine that the proposals should be comparatively reviewed with similar proposals that are also subject to review.

(5) On the 10th day of each month, the department shall publish in a newspaper of general

1 ~~circulation in the area to be served by the proposal on the department's website~~ a description of each letter of
2 intent received by the department during the preceding calendar month. Within 30 days of the publication, any
3 person who desires comparative review with a proposal described in the publication must submit a letter of
4 intent requesting comparative review.

5 (6) The department shall give to each person submitting a letter of intent written notice of the
6 deadline for submission of an application for certificate of need, which will be no less than 30 days after the
7 notice is sent.

8 (7) Within 20 working days after receipt of an application, the department shall determine whether
9 it is complete and, if the application is found incomplete, shall send a written request to the applicant specifying
10 the necessary additional information and a date by which the additional information must be submitted to the
11 department. The department shall allow at least 15 days after the mailing of its written request for the
12 submission of the additional information. Upon receipt of the additional information from the applicant, the
13 department has an additional 15 working days to determine if the application is complete and, if the application
14 is still incomplete, to send a notice to the applicant that the application is incomplete.

15 (8) If the applicant fails to submit the necessary additional information requested by the
16 department by the deadline prescribed by the department, the application is considered withdrawn.

17 (9) If the department fails to send either the request for additional information or the notice of
18 incompleteness required by subsection (7) within the period prescribed in subsection (7), the application is
19 considered to be complete on the last day of the time period during which the notice should have been sent.

20 (10) The review period for an application may be no longer than 90 calendar days after the
21 application is initially received or, if the application is to be comparatively reviewed as provided in subsection
22 (5), within 90 days after all applications to be comparatively reviewed are received. A longer period is permitted
23 with the consent of all affected applicants.

24 (11) During the review period a public hearing may be held if requested by an affected person or
25 when considered appropriate by the department.

26 (12) Each completed application may be considered in relation to other applications pertaining to
27 similar types of facilities affecting the same health service area.

28 (13) The department shall, after considering all comments received during the review period, issue

1 a certificate of need, with or without conditions, or deny the application. The department shall notify the
2 applicant and affected persons of its decision within 5 working days after expiration of the review period.

3 (14) If the department fails to reach a decision and notify the applicant of its decision within the
4 deadlines established in this section and if that delay constitutes an abuse of the department's discretion, the
5 applicant may apply to district court for a writ of mandamus to force the department to issue the certificate of
6 need."

7
8 NEW SECTION. Section 2. Notification to tribal governments. The secretary of state shall send a
9 copy of [this act] to each federally recognized tribal government in Montana.

10

11 NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2025.

12

- END -