

## 1 HOUSE BILL NO. 605

2 INTRODUCED BY T. BURNETT

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING PROGRAMS TO REWARD HEALTHY CHOICES BY  
5 PUBLIC ASSISTANCE RECIPIENTS AND PUBLIC EMPLOYEES; ESTABLISHING PROCEDURES;  
6 ESTABLISHING AWARDS; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 2-18-1102, 2-18-1105,  
7 AND 2-18-1106, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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11 NEW SECTION. **Section 1. Healthy incentives sweepstakes program -- purpose -- eligibility --**  
12 **incentive awards.** (1) (a) The department shall conduct an annual sweepstakes program, to be known as the  
13 "healthy me sweepstakes", to reward individuals participating in public assistance programs for making healthy  
14 choices. The purpose of the voluntary program is to encourage behaviors that may result in a lower incidence  
15 of chronic disease and reduce publicly funded health care costs.

16 (b) The department shall administer the program in accordance with the guidelines established in this  
17 section and in a manner that publicizes the program so that eligible applicants are aware of the program and  
18 encouraged to participate in the program.

19 (2) An individual may submit the individual's name for the sweepstakes program during the month of  
20 November if the individual:

21 (a) at any time during the calendar year participated in:

22 (i) the medicaid program provided for in Title 53, chapter 6, part 1;

23 (ii) the supplemental nutrition assistance program provided for in Title 53, chapter 2, part 9; or

24 (iii) the temporary assistance for needy families program as defined in 53-4-201;

25 (b) is 18 years of age or older;

26 (c) is a citizen of the United States;

27 (d) has a Montana driver's license or an identification card issued by the department of justice pursuant  
28 to 61-12-501; and

29 (e) consents to:

30 (i) provide the health care information required under subsection (3); and

1 (ii) allow the department to announce prizes and use the names and photographs of sweepstakes  
2 winners for publicity purposes.

3 (3) (a) To collect a sweepstakes prize, an individual shall provide information showing that during the  
4 calendar year or after the individual's name was selected in the sweepstakes drawing the individual underwent  
5 body mass index, blood pressure, cholesterol, alcohol, drug, and tobacco screening. The information must show  
6 that the individual:

7 (i) had a body mass index in the normal range;  
8 (ii) had a blood pressure reading below the level considered to be stage 1 hypertension;  
9 (iii) had a cholesterol reading of less than 200 mg/dl; and  
10 (iv) underwent a blood test that showed the absence of alcohol, nicotine, and illegal drugs in the blood.

11 (b) The information must be provided or verified by:

12 (i) a health care provider licensed under Title 37 and operating within the provider's scope of practice;  
13 (ii) a health care facility licensed under Title 50; or  
14 (iii) a health screening program authorized by the department of administration.

15 (4) Costs of the screening required under subsection (3) must be paid by the following entities, in the  
16 order listed:

17 (a) the medicaid program, if the person is eligible for medicaid and the screenings are covered services  
18 under the medicaid program;

19 (b) a health insurer if the person has health insurance coverage as defined in 33-22-140 and if the  
20 screening costs are covered by the insurance coverage;

21 (c) the individual; or

22 (d) the department, for up to 10 individuals whose names are selected in the sweepstakes drawing but  
23 who elect to undertake the required screenings after their names have been selected. The department shall pay  
24 the costs only if the costs are not covered by medicaid or private health insurance coverage and the individual  
25 provides proof that the individual is unable to pay the screening costs.

26 (5) (a) The department shall conduct the sweepstakes drawing during the first week of December.  
27 Individuals whose names are drawn may submit verified screening results at any time but must submit the results  
28 within 10 days of the drawing in order to collect the prize for which they have been selected.

29 (b) Prizes must be awarded to individuals meeting the requirements of this section as follows:

30 (i) \$5,000 to the first eligible individual whose name is selected;

1 (ii) \$1,000 to the second eligible individual whose name is selected; and

2 (iii) \$500 to the third eligible individual whose name is selected.

3 (c) When announcing or publicizing the sweepstakes winners, the department may not release  
4 information about the public assistance program in which the individual participated or about an individual's test  
5 results except information indicating that the results conformed to the standards of this section.

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7 **NEW SECTION. Section 2. Sweepstakes winnings not income or resources for public assistance**  
8 **purposes.** Prizes awarded pursuant to [section 1] may not be counted as income or a resource in establishing  
9 eligibility for the medicaid program pursuant to 53-6-113 or 53-6-131, the supplemental nutrition assistance  
10 program pursuant to 53-2-901, or the temporary assistance for needy families program.

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12 **NEW SECTION. Section 3. Health incentive program -- eligibility -- award.** (1) The department shall  
13 provide an annual health incentive award, to be known as the "Montana shape up award", to the employee who  
14 demonstrates the largest decrease in body mass index from the previous year. The purpose of the voluntary  
15 program is to encourage health behaviors that may result in a lower incidence of chronic disease and reduce the  
16 costs of the state employee group benefit plans.

17 (2) An employee may submit the employee's name for consideration for the Montana shape up award  
18 by providing the department in November with copies of verified results of body mass index screenings for the  
19 current year and the previous year. The screenings must be conducted by:

20 (a) a health care provider licensed under Title 37 and operating within the provider's scope of practice;

21 (b) a health care facility licensed under Title 50; or

22 (c) a health screening program authorized by the department.

23 (3) (a) For each employee who submits the required information, the department shall subtract the  
24 employee's body mass index score for the current year from the employee's score for the previous year to obtain  
25 the difference. An employee may not receive credit for the portion of a body mass index score that is below 18.5.

26 (b) The department shall award \$1,000 to the employee who has the greatest difference in scores.

27 (4) To be eligible for the award, the employee shall consent to allowing the employee's name,  
28 photograph, and change in body mass index to be used for publicity purposes.

29

30 **Section 4.** Section 2-18-1102, MCA, is amended to read:

1           **"2-18-1102. Creation of efficiency incentive program.** The department shall develop a statewide  
2 employee efficiency incentive award program to appropriately recognize and monetarily reward individual state  
3 employees and groups or teams of employees for documented innovations that contribute to the efficiency,  
4 economy, or other improvement of state government by reducing the costs or improving the effectiveness of  
5 governmental operations."  
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7           **Section 5.** Section 2-18-1105, MCA, is amended to read:

8           **"2-18-1105. Eligibility for efficiency incentive award.** (1) Except as provided in subsection (3), an  
9 employee, a group or team of employees, or a nonemployee is eligible for an efficiency incentive award for  
10 innovations that:

11           (a) significantly contribute to achievements or outcomes eliminating or reducing an agency's  
12 expenditures; or

13           (b) improve the effectiveness of state government or improve services to the public by permitting more  
14 work to be accomplished within an agency without increasing the cost of governmental operations.

15           (2) To be eligible for an efficiency incentive award, an employee, a group or team of employees, or a  
16 nonemployee must receive approval from agency management for immediate implementation, for a short-term  
17 test of an idea or innovation, or for the development and testing of a prototype that could make significant  
18 improvement in the way an agency conducts business by addressing fiscal, customer service, efficiency, or safety  
19 issues.

20           (3) A director, as defined in 2-15-102, or a legislator is not eligible for the efficiency incentive award  
21 provided for under this part.

22           (4) Suggestions relating to an agency are eligible for an award from that agency's agency head even  
23 if the employee or group or team of employees, or one or more members of the group or team, do not work for  
24 that agency."  
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26           **Section 6.** Section 2-18-1106, MCA, is amended to read:

27           **"2-18-1106. Agency head to grant efficiency incentive award -- amount and source of award.** (1)  
28 An agency head may grant an efficiency incentive award to an employee, a group or team of employees, or a  
29 nonemployee who has made a significant contribution to achievements or outcomes in the agency, as  
30 enumerated in 2-18-1105. An employee or a member of a group or team of employees need not be employed

1 by the agency that benefits from the achievement or outcome and whose agency head grants the award in order  
2 to be granted an award.

3 (2) If agency management determines that an idea, innovation, or prototype that has been implemented  
4 will result in cost savings or improvements to agency operations, the agency head, at the agency head's  
5 discretion, may grant an efficiency incentive award of up to \$500, up to 40 hours paid leave time, or other  
6 nonmonetary recognition.

7 (3) If an achievement or outcome produces cost savings that can be measured after the savings are  
8 actually realized or that can be accurately projected for a period of 12 months following implementation, a larger  
9 award may be granted by the agency head. The amount of the award must be determined by the agency head  
10 but may not exceed:

11 (a) 10% of the first \$100,000 of cost savings actually realized or accurately projected; plus

12 (b) 5% of the next \$100,000 of cost savings actually realized or accurately projected; plus

13 (c) 2% of the next \$100,000 of cost savings actually realized or accurately projected.

14 (4) (a) If the award is to be divided between two or more persons, the agency head shall determine the  
15 amount each person is to receive.

16 (b) Each person must be paid in one lump sum no later than 90 days after the end of the 12-month  
17 period following implementation of the suggestion. However, an agency head may pay an award at any time that  
18 savings can be determined. The agency head shall pay the award from the agency's budget. This award is in  
19 addition to the recipient's regular compensation or leave time.

20 (5) Within 30 days after the end of each fiscal year, each agency shall submit to the department a list  
21 of the number of efficiency incentive awards granted, to whom each award was granted, the estimated value of  
22 each achievement or outcome, and the amount of each award."

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24 **NEW SECTION. Section 7. Appropriation.** (1) There is appropriated \$10,000 in each year of the  
25 biennium beginning July 1, 2011, from the general fund to the department of public health and human services  
26 to conduct the healthy me sweepstakes program and award the prizes provided for in [section 1].

27 (2) There is appropriated \$2,000 in each year of the biennium beginning July 1, 2011, from the general  
28 fund to the department of administration to conduct the Montana shape up award program and award the prize  
29 provided for in [section 3].

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1            **NEW SECTION. Section 8. Codification instruction.** (1) [Sections 1 and 2] are intended to be codified  
2 as an integral part of Title 53, chapter 2, part 1, and the provisions of Title 53, chapter 2, part 1, apply to [sections  
3 1 and 2].

4            (2) [Section 3] is intended to be codified as an integral part of Title 2, chapter 18, part 11, and the  
5 provisions of Title 2, chapter 18, part 11, apply to [section 3].

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7            **NEW SECTION. Section 9. Effective date.** [This act] is effective July 1, 2011.

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