

HOUSE BILL NO. 681

INTRODUCED BY G. PIERSON JR

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO COMMUNITY DEVELOPMENTAL DISABILITIES SERVICES; APPROPRIATING MONEY FOR A MEDICAID PROVIDER RATE INCREASE; ESTABLISHING MINIMUM WAGES FOR DIRECT-CARE WORKERS; REQUIRING INCLUSION OF AN INFLATIONARY INCREASE IN THE EXECUTIVE BUDGET SUBMITTED TO THE LEGISLATURE; AMENDING SECTIONS 17-7-123 AND 53-20-203, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. Section 1. Appropriation for rate increase for providers of services to people with developmental disabilities. (1) The following amounts are appropriated to the department of public health and human services for the biennium beginning July 1, 2019, to increase medicaid reimbursement rates for providers of community developmental disabilities services:

Fiscal year 2020	\$29,626,320 federal special revenue
	\$15,973,680 general fund
Fiscal year 2021	\$29,539,680 federal special revenue
	\$16,060,320 general fund

(2) A provider receiving reimbursement for medicaid-covered services from money appropriated under subsection (1) shall:

- (a) pay direct-care workers no less than:
 - (i) \$11 an hour by January 1, 2020; and
 - (ii) \$12 an hour by January 1, 2021; and

(b) maintain appropriate records documenting wages of direct-care workers and make the records available to the department in the same manner as is required for other records and documentation under the medicaid program.

(3) (a) For the purposes of this section, a direct-care worker is a person who:

- (i) is a full-time or part-time employee whose primary responsibility is the day-to-day, hands-on direct support, training and instruction, and assistance with and management of activities of daily living and employment



- 1 support for people with developmental disabilities receiving community services; and
- 2 (ii) provides services that are noted in the "Definition of Unit" column or the "Billable Unit" column of the
- 3 January 2018 "Montana Developmental Disabilities Program Manual of Service Rates and Procedures
- 4 Reimbursement for HCBS 1915c 0208 and 0667 Waiver Programs" as being provided by direct-care staff.
- 5 (b) The term does not include:
- 6 (i) state employees;
- 7 (ii) administrative, program, or management staff members of a provider, including case managers and
- 8 family support specialists; or
- 9 (iii) nurses licensed pursuant to Title 37, chapter 8.
- 10 (4) The legislature intends that the appropriation in this section be considered a part of the ongoing base
- 11 for the next legislative session.
- 12

13 **Section 2.** Section 17-7-123, MCA, is amended to read:

14 **"17-7-123. Form of executive budget.** (1) The budget submitted must set forth a balanced financial

15 plan for funds subject to appropriation, as provided in 17-8-101, for each accounting entity and for the state

16 government for each fiscal year of the ensuing biennium. The budget must consist of:

17 (a) a consolidated budget summary setting forth the aggregate figures of the budget in a manner that

18 shows a balance between the total proposed disbursements and the total anticipated receipts, together with the

19 other means of financing the budget for each fiscal year of the ensuing biennium, contrasted with the

20 corresponding figures for the last-completed fiscal year and the fiscal year in progress. The consolidated budget

21 summary must be supported by explanatory schedules or statements.

22 (b) budget and full-time equivalent personnel position comparisons by agency, program, and

23 appropriated funds for the current and subsequent biennium;

24 (c) the departmental mission and a statement of goals and objectives for the department;

25 (d) base budget disbursements for the completed fiscal year of the current biennium, estimated

26 comparable disbursements for the current fiscal year, and the proposed present law base budget plus new

27 proposals, if any, for each department and each program of the department;

28 (e) the inflationary increase for providers of community developmental disabilities services submitted by

29 the department of public health and human services pursuant to 53-20-203;

30 ~~(e)~~(f) a statement containing recommendations of the governor for the ensuing biennium by program and

1 disbursement category, including:

2 (i) explanations of appropriation and revenue measures included in the budget that involve policy
3 changes;

4 (ii) matters not included as a part of the budget bill but included as a part of the executive budget, such
5 as the state employee pay plan, programs funded through separate appropriations measures, and other matters
6 considered necessary for comprehensive public and legislative consideration of the state budget; and

7 (iii) a summary of budget requests that include proposed expenditures on information technology
8 resources. The summary must include funding, program references, and a decision package reference;

9 ~~(f)~~(g) a report on:

10 (i) enterprise funds not subject to the requirements of subsections (1)(a) through ~~(1)(e)~~ (1)(f), including
11 retained earnings and contributed capital, projected operations and charges, and projected fund balances; and

12 (ii) fees and charges in the internal service fund type, including changes in the level of fees and charges,
13 projected use of the fees and charges, and projected fund balances. Fees and charges in the internal service fund
14 type must be approved by the legislature in the general appropriations act. Fees and charges in a biennium may
15 not exceed the level approved by the legislature in the general appropriations act effective for that biennium.

16 ~~(g)~~(h) energy cost saving information as required by 90-4-616 and energy conservation program
17 information as required by 90-4-606; and

18 ~~(h)~~(i) any other financial or budgetary material agreed to by the budget director and the legislative fiscal
19 analyst.

20 (2) The statement of departmental goals and objectives and the schedule as required in 17-7-111(3)(b)
21 for each fund of the executive budget are not required to be printed but must be available in the office of budget
22 and program planning and on the internet."

23

24 **Section 3.** Section 53-20-203, MCA, is amended to read:

25 **"53-20-203. Responsibilities of department.** The department shall:

26 (1) take cognizance of matters affecting the citizens of the state who are persons with developmental
27 disabilities;

28 (2) initiate a preventive developmental disabilities program that must include but not be limited to the
29 implementation of developmental disabilities care, treatment, prevention, and research as can best be
30 accomplished by community-centered services. Every means must be used to initiate and operate the service

1 program in cooperation with local agencies under the provisions of 53-20-205.

2 (3) collect and disseminate information relating to developmental disabilities;

3 (4) prepare an annual comprehensive plan for the initiation and maintenance of developmental
4 disabilities services in the state. The services must include but not be limited to community comprehensive
5 developmental disabilities services as referred to in 53-20-202.

6 (5) submit a biennial budget proposal for consideration by the legislature that includes an inflationary
7 increase for providers of community developmental disabilities services that is equal to the increase, if any, from
8 August of the preceding year to August of the year in which the budget is submitted in the consumer price index,
9 U.S. city average, all urban consumers, for all items, as published by the bureau of labor statistics of the United
10 States department of labor;

11 ~~(5)~~(6) provide by rule for the evaluation of:

12 (a) persons who apply for services;

13 (b) persons admitted into a program at a developmental disability facility; and

14 (c) persons residing at or released from the Montana developmental center into a community home, in
15 accordance with the requirements established in 53-20-225;

16 ~~(6)~~(7) receive from agencies of the government of the United States and other agencies, persons or
17 groups of persons, associations, firms, or corporations grants of money, receipts from fees, gifts, supplies,
18 materials, and contributions to initiate and maintain developmental disabilities services within the state;

19 ~~(7)~~(8) require that habilitation plans be developed, implemented, and continuously maintained for all
20 persons with developmental disabilities who are served through a community-based program funded by the state;
21 and

22 ~~(8)~~(9) use funds available for cases in which special medical or material assistance is necessary to
23 rehabilitate children with developmental disabilities or children with physical disabilities if the assistance is not
24 otherwise provided for by law."

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26 NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 2019.

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