

1 HOUSE BILL NO. 700  
2 INTRODUCED BY N. NICOL

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4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE REQUIREMENTS FOR ADULT FOSTER CARE  
5 HOME PROVIDERS; ALLOWING A MEDICAID-ENROLLED PROVIDER TO SUBCONTRACT FOR CARE  
6 AND PERFORM BACKGROUND CHECKS ON OTHER PROVIDERS; REQUIRING REGULAR OVERSIGHT  
7 VISITS AND MAINTENANCE CHECKS OF VEHICLES OWNED BY AN ADULT FOSTER CARE HOME;  
8 EXEMPTING LICENSURE REQUIREMENTS FOR MEDICAID-ENROLLED PROVIDERS; PROVIDING  
9 RULEMAKING AUTHORITY; AND AMENDING SECTION 50-5-215, MCA."

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

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13 **Section 1.** Section 50-5-215, MCA, is amended to read:

14 **"50-5-215. Standards for adult foster care homes.** (1) The department may adopt rules establishing  
15 standards for the licensing of adult foster care homes. The standards must provide for the safety and comfort of  
16 the residents and may be adopted by the department only after receiving the advice and recommendations of  
17 the state fire prevention and investigation section of the department of justice in relation to fire and safety  
18 requirements for adult foster care homes.

19 (2) The department shall promulgate rules:

20 (a) to allow a provider enrolled in the medical assistance program provided for in Title 53, chapter  
21 6, to:

22 (i) complete background checks and home safety inspections of adult foster care home providers  
23 that subcontract under the enrolled provider to provide care. Rules adopted under this subsection (2)(a) must  
24 include the requirements for a background check, including but not limited to checks for sex offender registry  
25 status, professional licensure, and motor vehicle records; and

26 (ii) allow a registered nurse employed by the enrolled provider to delegate limited skilled care  
27 needs to the adult foster care home's direct care staff at the discretion and within the scope of practice of the  
28 registered nurse.

