

SENATE BILL NO. 277

INTRODUCED BY R. WEBB, J. HINKLE, D. HOWARD, D. KARY, C. SMITH, N. SWANDAL

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES FROM COLLECTING PERSONALLY IDENTIFIABLE INFORMATION ABOUT PERSONS PROVIDING CERTAIN PERSONAL ASSISTANCE SERVICES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Prohibition on collection of personally identifiable information. (1) The department may not collect personally identifiable information, including names, social security numbers, addresses, telephone numbers, wages, and other information that is specific to an individual, about direct-care workers from providers of personal assistance or attendant services or supports that are funded:

- (a) as a medicaid state plan service;
- (b) through a medicaid state plan option available to the state under 42 U.S.C. 1396n(k); or
- (c) under a medicaid home and community-based services waiver for the elderly and disabled that is operated through a division of the department that administers long-term care services for senior citizens and individuals with physical disabilities.

(2) For the purposes of this section, "direct-care worker" means a person who is employed by a provider of personal assistance or attendant services or supports that are funded as provided in subsection (1) and who directly provides these services to consumers.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 53, chapter 6, part 4, and the provisions of Title 53, chapter 6, part 4, apply to [section 1].

NEW SECTION. SECTION 3. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

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