_____ BILL NO. _____

INTRODUCED BY _____

BY REQUEST OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

A BILL FOR AN ACT ENTITLED: “AN ACT REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO ESTABLISH HEALTH CARE FACILITY LICENSE FEES BY RULE; CREATING A REDUCED FEE FOR A FACILITY ACCREDITED BY AN ENTITY APPROVED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES; EXEMPTING STATE-OWNED HEALTH CARE FACILITIES FROM LICENSE FEES; ALLOWING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO ESTABLISH APPLICATION AND INSPECTION FEES BY RULE; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 50-5-202, 50-5-227, AND 50-5-247, MCA.”

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

Section 1. Section 50-5-202, MCA, is amended to read:

"**50-5-202. License, application, and inspection fees.** (1) Except as provided in subsection (4), the ~~The~~ department shall collect fees ~~for~~ from each ~~license~~ licensed health care facility ~~issued~~ for deposit in the state general fund. ~~as follows:~~

~~(1) facilities with 20 beds or less--$20;~~

~~(2) facilities with 21 beds or more--$1 per bed.~~

(2) The department shall establish by rule annual license fees for each facility type unless the fee or its schedule is set by law.

(3) A health care facility located in this state that furnishes to the department written evidence of its accreditation by an accrediting entity approved by the U.S. centers for medicare and medicaid services shall pay a reduced fee of one-half of the annual license fee for the facility's type.

(4) Facilities owned by the state are exempt from annual license fees.

(5) The department may establish by rule application and inspection fees for all facility types. Fees must be reasonably related to service costs."

Section 2. Section 50-5-227, MCA, is amended to read:

"**50-5-227. Licensing assisted living facilities.** (1) The department shall by rule adopt standards for licensing and operation of assisted living facilities to implement the provisions of 50-5-225 and 50-5-226.

(2) The department may deny, suspend, or revoke the license of an assisted living facility if the department finds a demonstrated pattern of noncompliance with the employee background check requirements of 50-5-225.

(3) The following licensing categories must be used by the department in adopting rules under subsection (1):

(a) category A facility serving residents requiring the level of care as provided for in 50-5-226(2);

(b) category B facility providing skilled nursing care or other skilled services to five or fewer residents who meet the requirements stated in 50-5-226(3);

(c) category C facility providing services to residents with cognitive impairments requiring the level of care stated in 50-5-226(4); or

(d) category D facility providing services to residents with mental disorders who may be a temporary harm to themselves or others and who require the level of care stated in 50-5-226(5).

(4) (a) A single facility meeting the applicable requirements for a category A facility may additionally be licensed to provide category B or category C services with the approval of the department.

(b) If a single facility meeting the applicable requirements as provided in subsection (4)(a) further seeks to be licensed as a category D facility, the facility shall provide documentation that indicates the facility can keep all residents safe.

(5) The department may by rule establish ~~license fees, inspection fees, and~~ fees for patient screening. Fees must be reasonably related to service costs."

Section 3. Section 50-5-247, MCA, is amended to read:

"**50-5-247. Licensure of eating disorder centers -- rulemaking -- definition.** (1) The department shall license eating disorder centers that provide intensive outpatient or partial hospitalization programs for individuals with eating disorders as defined by the most recent edition of the Diagnostic and Statistical Manual

of Mental Disorders.

(2) The department shall adopt administrative rules for licensure, including but not limited to rules establishing:

(a) patient-to-staff ratios; and

(b) the treatment services that must be available on site or through arrangements with other health care facilities, including crisis and hospital services~~; and~~

~~(c) license and inspection fees. Fees must be reasonably related to service costs~~.

(3) The rules may not establish requirements that are more stringent than standards established by accrediting entities approved by the U.S. centers for medicare and medicaid services for accreditation of behavioral health care organizations that provide care for individuals with eating disorders.

(4) For the purposes of this section, "partial hospitalization program" means an active treatment program that offers therapeutically intensive, coordinated, structured treatment services to individuals who have been diagnosed with an eating disorder. Services include day, evening, night, and weekend treatment programs that use an integrated, comprehensive, and complementary schedule of recognized treatment or therapeutic activities."

- END -