

1 HOUSE BILL NO. 574

2 INTRODUCED BY J. GILLETTE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING IMPLEMENTATION OF THE CERTIFIED
5 COMMUNITY BEHAVIORAL HEALTH CLINIC MODEL; ESTABLISHING DUTIES OF THE DEPARTMENT OF
6 PUBLIC HEALTH AND HUMAN SERVICES; ESTABLISHING REQUIREMENTS AND PERFORMANCE
7 MEASURES FOR CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC SERVICES; ESTABLISHING
8 REPORTING REQUIREMENTS; DIRECTING THE DEPARTMENT TO DEVELOP AN INCENTIVE PROGRAM
9 FOR CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINICS THAT DEMONSTRATE EXCEPTIONAL
10 OUTCOMES; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE
11 DATE."

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

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15 NEW SECTION. **Section 1. Certified community behavioral health clinics -- department duties --**
16 **reporting requirement.** (1) Subject to available funding, the department shall establish a program no later than
17 October 1, 2026, for the implementation of certified community behavioral health clinics that meet the
18 requirements of Public Law 113-93 and related federal regulations and guidance.

19 (2) In determining the reimbursement rate for a certified community behavioral health clinic under
20 the healthy Montana kids plan provided for under Title 53, chapter 4, part 11, and the medical assistance
21 program provided for in Title 53, chapter 6, the department shall:

22 (a) establish and execute clear criteria of the costs that are allowed and disallowed in the
23 development of the encounter rate to be paid to a certified community behavioral health clinic under a
24 prospective payment system;

25 (b) establish and execute a detailed plan for analyzing cost reports submitted by providers seeking
26 to become certified community behavioral health clinics to ensure that the encounter rate developed for the
27 provider accurately reflects the actual costs of providing care and that disallowed costs are not included in the
28 rate; and

1 (c) rebase the rate in accordance with federal guidance, but no less frequently than every 2 years.

2 (3) The department shall monitor and evaluate certified community behavioral health clinic
3 services, outcomes, and impacts. Monitoring and evaluation efforts include:

4 (a) developing and implementing a plan to reduce duplicative billing of services, fraud, waste, and
5 abuse;

6 (b) establishing quality measures for certified community behavioral health clinics and reviewing
7 data on quality measures reported by each certified community behavioral health clinic;

8 (c) establishing the circumstances under which a certified community behavioral health clinic
9 would lose its certification; and

10 (d) determining the costs to the medicaid program or other state-funded programs of providing
11 behavioral health care services in a community or region before implementation of the certified community
12 behavioral health clinic program and the costs, including any cost reductions, or providing those services after
13 implementation of the certified community behavioral health clinic program. The costs must include payment for
14 hospitalizations and emergency department visits.

15 (4) The department shall provide quarterly updates in accordance with 5-11-210 to the children,
16 families, health, and human services interim committee and the health and human services interim budget
17 committee on:

18 (a) the status of implementation of certified community behavioral health clinics;

19 (b) the impacts of implementation on services for individuals with behavioral health needs;

20 (c) patient-centered, quality health outcomes;

21 (d) the percentage of high users of medicaid services who have reduced use of medicaid-funded
22 services;

23 (e) the community-level and state-level costs and cost savings related to certified community
24 behavioral health clinics; and

25 (f) any additional evaluation metrics required by the centers for medicare and medicaid services.
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27 **NEW SECTION. Section 2. Certified community behavioral health clinic requirements -- billing**
28 **practices -- performance measurements.** (1) In addition to the services required under federal law and

1 regulation, a certified community behavioral health clinic shall directly provide the following services:

2 (a) targeted case management;

3 (b) peer and family caregiver services and supports; and

4 (c) outreach and education as specified in subsection (5).

5 (2) A certified community behavioral health clinic may directly provide or contract with a third party
6 to provide the following services:

7 (a) primary care screening and monitoring;

8 (b) services for veterans and members of the armed forces; and

9 (c) outpatient psychiatric rehabilitation services.

10 (3) A certified community behavioral health clinic shall coordinate with other community-based
11 service providers to prevent duplication of services and develop a continuum of services within the community.

12 (4) (a) If a screening indicates that a person is in urgent need of services, a certified community
13 behavioral health clinic shall provide clinical services and an initial evaluation within 1 business day of the first
14 contact with the patient.

15 (b) A certified community behavioral health clinic shall provide a new patient with a comprehensive
16 person-centered and family-centered diagnostic and treatment planning evaluation. The evaluation must be
17 completed within 30 calendar days of the patient's first request for services.

18 (5) A certified community behavioral health clinic shall provide outreach and education by:

19 (a) establishing an outreach team to work in partnership with hospitals and critical access hospitals
20 to encourage individuals presenting with behavioral health needs at an emergency department to obtain
21 ongoing behavioral health treatment through the clinic to reduce the need for emergency department care;

22 (b) working with local law enforcement agencies by:

23 (i) providing opportunities for training to, or attending training with, law enforcement officers in
24 methods for responding to individuals with behavioral health needs; and

25 (ii) responding directly to individuals who have come into contact with law enforcement because of
26 behavioral health issues; and

27 (c) designating staff members to encourage the use of the clinic's services by individuals who use
28 a high volume of medicaid resources but who have not been actively receiving behavioral health treatment.

- 1 (6) The billing practices of a certified community behavioral health clinic must:
- 2 (a) provide that private insurance plans are billed first and that medicaid is billed as a payer of last
- 3 resort;
- 4 (b) include a publicly available, income-based sliding fee scale; and
- 5 (c) establish that the certified community behavioral health clinic may not refuse services to a
- 6 person who is unable to pay.

7 (7) In addition to any federally required reporting, each certified community behavioral health clinic

8 shall collect and report to the department, in a deidentified manner, data on the following quality measures:

- 9 (a) changes in the functional assessment scores of patients; and
- 10 (b) baseline and subsequent changes in a patient's:
- 11 (i) status as housed or unhoused;
- 12 (ii) engagement in work; and
- 13 (iii) law enforcement involvement.

14 (8) A certified community behavioral health clinic that contracts with another provider for services

15 as allowed under federal law and regulations and this section is responsible for:

- 16 (a) collecting and reporting on the data required under subsection (7) and any other information
- 17 required by the department; and
- 18 (b) ensuring that the contracted provider follows all applicable state and federal laws and
- 19 regulations.

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21 NEW SECTION. Section 3. Incentive program. (1) The department shall develop an incentive

22 program to provide additional financial support to certified community behavioral health clinics that demonstrate

23 exceptional quality outcome measures.

24 (2) The department shall adopt rules to implement this section.

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26 NEW SECTION. Section 4. Codification instruction. [Sections 1 through 3] are intended to be

27 codified as an integral part of Title 53, chapter 21, part 10, and the provisions of Title 53, chapter 21, part 10,

28 apply to [sections 1 through 3].

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