

1 SENATE BILL NO. 82

2 INTRODUCED BY M. YAKAWICH

3 BY REQUEST OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

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5 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING AN ADJUSTMENT TO BLINDNESS PROGRAM;
6 PROVIDING FOR ELIGIBILITY DETERMINATIONS; PROVIDING FOR INDEPENDENT LIVING SERVICES
7 AND FOR PAYMENT OF THE SERVICES; PROVIDING FOR A RIGHT TO A FAIR HEARING; PROVIDING
8 DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN EFFECTIVE DATE."

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

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12 NEW SECTION. **Section 1. Adjustment to blindness program -- purpose.** There is an adjustment
13 to blindness program established within the department of public health and human services. The purpose of
14 the program is to help consumers under age 55 who have severe visual impairments to achieve independent
15 living goals.

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17 NEW SECTION. **Section 2. Definitions.** As used in [sections 1 through 6], unless the context
18 requires otherwise, the following definitions apply:

19 (1) "Consumer" means a person with a severe visual impairment who the department has
20 determined is eligible for independent living services.

21 (2) "Department" means the department of public health and human services provided for in 2-15-
22 2201.

23 (3) "Independent living" means control over one's life based on choices between acceptable
24 options in a manner that minimizes reliance on others for making decisions and for conducting the activities of
25 daily living.

26 (4) "Independent living goals" means a consumer's goals to achieve independent living.

27 (5) "Independent living services" means services and equipment provided by the department to
28 help consumers achieve their independent living goals.

(6) "Severe visual impairment" means a visual disability that, even with correction, remains so severe that it makes daily tasks difficult to perform.

NEW SECTION. Section 3. Eligibility for services. The department shall determine whether a person is eligible for independent living services based on criteria established by the department through administrative rule as provided in [section 6].

NEW SECTION. Section 4. Services provided -- evaluation of consumer needs. (1) The department may provide the following independent living services:

- (a) outreach;
- (b) services, training, and assistive technology to help consumers become more mobile and self-sufficient;
- (c) Braille instruction and other services and equipment to help consumers adjust to a severe visual impairment;
- (d) independent living skills training;
- (e) peer counseling;
- (f) guide services and reader services; and
- (g) any other appropriate service designed to help consumers achieve their independent living goals.

(2) The department shall evaluate each consumer to determine the independent living services that may help the consumer achieve the consumer's independent living goals.

(3) To the extent that the department determines the program has funds available, the department may provide or pay the cost of independent living services for a consumer. When determining the services to be provided, the department shall consider the financial resources available to the consumer and the needs of other consumers.

NEW SECTION. Section 5. Fair hearing. A person with a severe visual impairment who applies for or is receiving independent living services under [sections 1 through 6] and is aggrieved by an action or inaction

1 of the department is entitled to a fair hearing in accordance with the rules adopted by the department as
2 provided in [section 6].

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4 NEW SECTION. **Section 6. Rulemaking authority.** The department shall adopt rules to implement
5 the provisions of [sections 1 through 6].

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7 NEW SECTION. **Section 7. Codification instruction.** [Sections 1 through 6] are intended to be
8 codified as an integral part of Title 53, chapter 7, and the provisions of Title 53, chapter 7, apply to [sections 1
9 through 6].

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11 NEW SECTION. **Section 8. Effective date.** [This act] is effective July 1, 2025.

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