

**Unofficial Draft Copy**

As of: June 7, 2018 (3:03pm)

LCCF02

\*\*\*\* Bill No. \*\*\*\*

Introduced By \*\*\*\*\*

By Request of the \*\*\*\*\*

A Bill for an Act entitled: "An Act establishing requirements for provider rates and direct-care workers wages in the community developmental disabilities system; requiring use of the consumer price index in developing budget proposals for provider rates; increasing direct-care workers wages; providing an appropriation; and providing an effective date."

Be it enacted by the Legislature of the State of Montana:

**Section 1.** Section 53-20-203, MCA, is amended to read:

**"53-20-203. Responsibilities of department.** The department shall:

(1) take cognizance of matters affecting the citizens of the state who are persons with developmental disabilities;

(2) initiate a preventive developmental disabilities program that must include but not be limited to the implementation of developmental disabilities care, treatment, prevention, and research as can best be accomplished by community-centered services. Every means must be used to initiate and operate the service program in cooperation with local agencies under the provisions of 53-20-205.

(3) collect and disseminate information relating to developmental disabilities;

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(4) prepare an annual comprehensive plan for the initiation and maintenance of developmental disabilities services in the state. The services must include but not be limited to community comprehensive developmental disabilities services as referred to in 53-20-202.

(5) submit a biennial budget proposal to the legislature that includes an inflationary increase for providers of developmental disabilities services that is equal to the increase, if any, from August of the preceding year to August of the year in which the budget is submitted in the consumer price index, U.S. city average, all urban consumers, for all items, as published by the bureau of labor statistics of the United States department of labor;

~~(5)~~(6) provide by rule for the evaluation of:

- (a) persons who apply for services;
- (b) persons admitted into a program at a developmental disability facility; and
- (c) persons residing at or released from the Montana developmental center into a community home, in accordance with the requirements established in 53-20-225;

~~(6)~~(7) receive from agencies of the government of the United States and other agencies, persons or groups of persons, associations, firms, or corporations grants of money, receipts from fees, gifts, supplies, materials, and contributions to initiate and maintain developmental disabilities services within the state;

~~(7)~~(8) require that habilitation plans be developed,

implemented, and continuously maintained for all persons with developmental disabilities who are served through a community-based program funded by the state; and

~~(8)~~(9) use funds available for cases in which special medical or material assistance is necessary to rehabilitate children with developmental disabilities or children with physical disabilities if the assistance is not otherwise provided for by law."

{Internal References to 53-20-203: None.}

NEW SECTION. **Section 2. Appropriation for direct-care worker wages.** (1) The following amounts are appropriated to the department of public health and human services for the biennium beginning July 1, 2019, for a rate increase for developmental disability services providers to be phased in and used as provided in this section.

Fiscal Year 2020	\$6,110,043	federal special revenue fund
	\$3,218,231	general fund
Fiscal Year 2021	\$14,265,419	federal special revenue fund
	\$7,500,554	general fund

(2) Providers must use the appropriation to increase wages by \$3 an hour over the biennium and pay associated payroll taxes for direct-care workers.

(3) Except as provided in subsection (4), the department shall phase in the appropriation on July 1 and January 1 of each year of the biennium in a manner that provides the equivalent of an increase in wages of at least 75 cents an hour per employee.

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(4) (a) If the appropriation is insufficient to provide the equivalent of an increase of 75 cents an hour per employee every 6 months, the department shall provide the maximum provider rate increase possible from the appropriation.

(b) If the appropriation allows for the equivalent of an increase of more than 75 cents an hour per employee in any six-month period, the department shall use the full amount of the appropriation to provide the greater increase.

(5) (a) For the purposes of this section, a direct-care workers is a full- or part-time employee whose primary responsibility is the day-to-day, hands-on direct support, training and instruction, and assistance with and management of activities of daily living for people with developmental disabilities receiving community services established pursuant to 53-20-205.

(b) The term does not include:

(i) state employees;

(ii) administrative, program, or management staff members of a provider, including case managers and family support specialists; or

(iii) nurses licensed pursuant to Title 37, chapter 8.

(6) The legislature intends that the appropriation in this section be considered a part of the ongoing base for the next legislative session.

NEW SECTION. **Section 3. {standard} Effective date.** [This act] is effective July 1, 2019.

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