

HOUSE BILL NO. 311

INTRODUCED BY M. YAKAWICH

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A CHEMICAL DEPENDENCY TREATMENT VOUCHER PROGRAM; ESTABLISHING PROVIDER AND PARTICIPANT REQUIREMENTS; ESTABLISHING SERVICES ELIGIBLE FOR VOUCHER COVERAGE; ESTABLISHING PAYMENT AND REPAYMENT PROVISIONS; PROVIDING AN APPROPRIATION; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 16-12-122 AND 53-24-204, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

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

NEW SECTION. Section 1. Chemical dependency treatment voucher program -- eligibility -- provider and participant requirements. (1) Subject to available funding, the department shall establish a voucher program to support chemical dependency treatment for individuals who would otherwise be unable to access the treatment in a timely manner because of financial barriers.

(2) An approved private or public treatment program that has applied for and been selected to participate in the voucher program may submit vouchers for reimbursement of chemical dependency treatment and related services provided to an individual who lacks insurance coverage or other means of paying for the services at the time they are provided. The individual receiving voucher-eligible services must:

- (a) live in Montana;
- (b) be 14 years of age or older;
- (c) have an annual family income at or below 200% of the federal poverty level; and
- (d) lack the financial means to immediately pay for the costs of treatment and related services

because:

- (i) the individual's third-party payment source will not cover the full cost of treatment;
- (ii) the individual has applied for but not yet been approved to receive medical assistance through the medicaid program or healthy Montana kids plan; or

1 (iii) the individual does not qualify for medical assistance and has no alternative third-party
2 payment source.

3 (3) (a) The voucher program may be used to cover the costs of:

4 (i) screening and assessment;

5 (ii) individual, group, and family therapy;

6 (iii) room, board, and transportation;

7 (iv) recovery coaching;

8 (v) drug screens;

9 (vi) medication-assisted treatment; and

10 (vii) services that support a person's participation in treatment activities, including but not limited to
11 child care or other family support services.

12 (b) Treatment services reimbursed under the voucher program must be evidence-based and meet
13 criteria for levels of care recognized by the American society of addiction medicine.

14 (4) An approved treatment program may apply to participate in the voucher program. If approved,
15 the program remains eligible to participate for the full budget biennium during which approval was received
16 unless the department terminates the program's participation for cause.

17 (5) A participating treatment program:

18 (a) may submit vouchers for payment of services provided to a qualifying individual as soon as
19 costs are incurred if other payment sources are not immediately available;

20 (b) shall assist individuals receiving voucher-reimbursed treatment services with applying for an
21 appropriate medical assistance program;

22 (c) shall report any change in an individual's income or insurance status that makes the individual
23 ineligible for further voucher payments;

24 (d) shall collect and report outcome measures as required by the department by rule; and

25 (e) shall keep records as required by the department to substantiate the treatment provided.

26 (6) If an approved treatment program is reimbursed through the voucher program for services
27 provided to an individual who is later determined to be eligible for medicaid or the healthy Montana kids plan,
28 the provider:

(a) shall accept medicaid or healthy Montana kids plan reimbursement as payment in full for services covered by those programs and remit to the department any voucher payments received for the services; and

(b) may submit vouchers for services provided to the individual when the services are allowed under this section and not covered by the medicaid program or healthy Montana kids plan.

Section 2. Section 16-12-122, MCA, is amended to read:

"16-12-122. Healing and ending addiction through recovery and treatment account. (1) There is a healing and ending addiction through recovery and treatment account in the state special revenue fund. The account consists of money transferred to the account pursuant to 16-12-111.

(2) Revenue in the account must be used to provide statewide programs for:

(a) substance use disorder prevention;

(b) mental health promotion; and

(c) crisis, treatment, and recovery services for substance use and mental health disorders.

(3) The programs must be designed to:

(a) increase the number of individuals choosing treatment over incarceration;

(b) improve access to, utilization of, and engagement and retention in prevention, treatment, and recovery support services;

(c) expand the availability of community-based services that reflect best practices or are evidence-based;

(d) leverage additional federal funds when available for the healthy Montana kids plan provided for in Title 53, chapter 4, part 11, and the medicaid program provided for in Title 53, chapter 6, for the purposes of this section;

(e) provide funding for programs and services that are described in subsections (2)(a) through (2)(c) and provided on an Indian reservation located in this state; or

(f) provide funding for grants and services to tribes for use in accordance with this section.

(4) (a) An amount not to exceed \$500,000, including eligible federal matching sources when applicable, must be used to provide funding for grants and services to tribes for tobacco prevention and

1 cessation, substance use disorder prevention, mental health promotion, and substance use disorder and
2 mental health crisis, treatment, and recovery services.

3 (b) The department of public health and human services shall manage the programs funded by the
4 special revenue account and shall adopt rules to implement the programs.

5 (5) The legislature shall appropriate money from the state special revenue account provided for in
6 this section for:

7 (a) the chemical dependency treatment voucher program provided for in [section 1]; and

8 (b) the programs referred to in this section.

9 (6) Programs funded under this section must be funded through contracted services with service
10 providers."

11
12 **Section 3.** Section 53-24-204, MCA, is amended to read:

13 **"53-24-204. Powers and duties of department.** (1) To carry out this chapter, the department may:

14 (a) accept gifts, grants, and donations of money and property from public and private sources;

15 (b) enter into contracts; and

16 (c) acquire and dispose of property.

17 (2) The department shall:

18 (a) approve treatment facilities as provided for in 53-24-208;

19 (b) prepare a comprehensive long-term state chemical dependency plan every 4 years and update
20 this plan each biennium;

21 (c) provide for and conduct statewide service system evaluations;

22 (d) distribute state and federal funds to the counties for approved treatment programs in
23 accordance with the provisions of 53-24-108 and 53-24-206;

24 (e) plan in conjunction with approved programs and provide for training of program personnel
25 delivering services to persons with a chemical dependency;

26 (f) establish the voucher program provided for in [section 1], including adopting rules to carry out
27 the provisions of [section 1];

28 ~~(f)~~(g) establish criteria to be used for the development of new programs;

1 ~~(g)~~(h) provide planning for the optimal use of funds by increasing efficiency of services, ensuring
2 existing needs are met, and encouraging rural counties to form multicounty districts or contract with urban
3 programs for services;

4 ~~(h)~~(i) cooperate with the board of pardons and parole in establishing and conducting programs to
5 provide treatment for intoxicated persons and persons with a chemical dependency in or on parole from penal
6 institutions;

7 ~~(i)~~(j) establish standards for chemical dependency educational courses provided by state-approved
8 treatment programs and approve or disapprove the courses;

9 ~~(j)~~(k) hold all state-approved facilities, programs, and providers to uniform standards as established
10 by the department by rule; and

11 ~~(k)~~(l) assist all interested public agencies and private organizations in developing education and
12 prevention programs for chemical dependency."

13
14 NEW SECTION. Section 4. Appropriation. (1) There is appropriated \$1 million from the healing and
15 ending addiction through recovery and treatment special revenue account provided for in 16-12-122 to the
16 department of public health and human services for the biennium beginning July 1, 2023, for payments made
17 through the voucher program provided for in [section 1].

18 (2) The legislature intends that the appropriation be considered as part of the ongoing base for the
19 next legislative session.

20
21 NEW SECTION. Section 5. Codification instruction. [Section 1] is intended to be codified as an
22 integral part of Title 53, chapter 24, part 2, and the provisions of Title 53, chapter 24, part 2, apply to [section 1].

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24 NEW SECTION. Section 6. Effective date. [This act] is effective July 1, 2023.

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26 NEW SECTION. Section 7. Termination. [This act] terminates June 30, 2027.

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