

2023



LEGISLATIVE SUMMARY

MHA MONTANA
HOSPITAL
ASSOCIATION
Advancing Health in Montana

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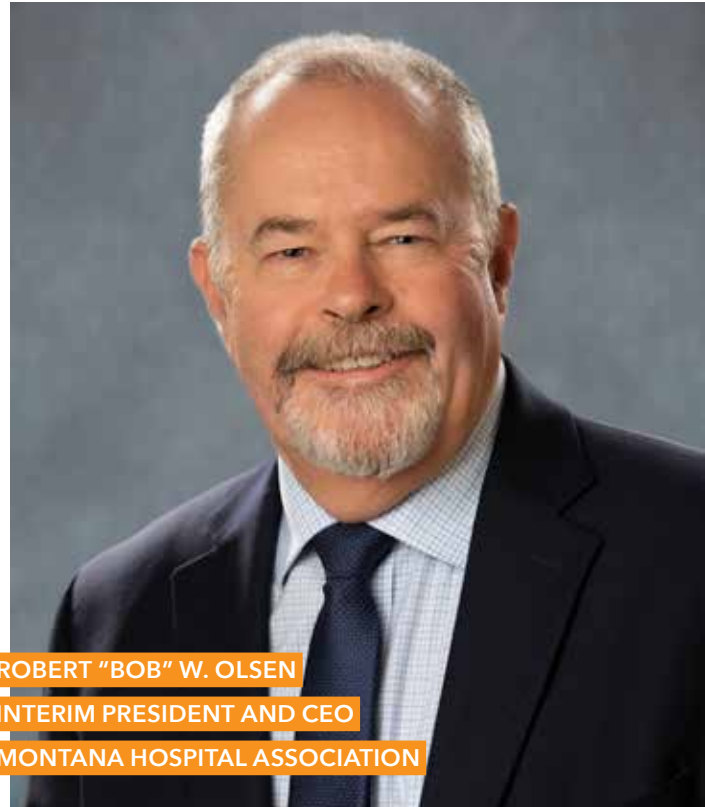
INTRODUCTION

THE 2023 LEGISLATIVE SESSION BROUGHT SIGNIFICANT CHANGES TO THE LEGISLATIVE PROCESS.

The session was the first meeting of lawmakers following the peak of the COVID-19 pandemic. Legislators arrived in Helena amid the news of nursing home closures, extreme and expensive staffing shortages across most treatment settings and the ongoing behavioral health crisis. The public image of hospitals was repeatedly raised by lawmakers on both sides of the aisle. Hospitals were perceived to be financially comfortable, hoarding significant cash reserves while continuing a never-ending investment in new structures, all while facing a body skeptical of the investment in community benefits and of hospitals putting forth an effort to rein in healthcare costs.

Meanwhile, the state was enjoying a historical budget surplus and had plans to balance tax reductions and rebates with much needed new investment in Medicaid provider rates and other state infrastructure. Developing community mental health services seemed at times to command center stage as the legislature contemplated spending \$300 million over the next two years on a still-to-be determined mental health delivery system. Legislators enacted several bills that, on one hand, increased parental rights for health services provided to children, while on the other stripped parental rights completely. There will be impacts on the practice of medicine due to a series of measures best described as related to the culture wars.

We've emerged from this session having achieved all of the goals that MHA members established prior to the session. Those goals included protecting Medicaid expansion and the integrity of the Hospital Utilization Fee (HUF) structure; obtaining a modest increase in Medicaid provider rates; and meeting the State's desire to increase accountability and transparency for community benefit spending. Additionally, we were successful in beating back new legislation that would have increased the costly and unnecessary administrative burden on healthcare facilities. These accomplishments were secured thanks to the engagement of the members in the political process coupled with the hard work put forward by MHA staff and the hospital



ROBERT "BOB" W. OLSEN
INTERIM PRESIDENT AND CEO
MONTANA HOSPITAL ASSOCIATION

lobbyist group. Together, we successfully weathered one of the more challenging sessions for the healthcare provider community in recent years.

As the dust settles and the impacts of legislation enacted in this session are better analyzed, we have our work cut out for us. Serious and deliberate work is needed to address our "image problem" while aligning our members and those legislators supportive of our mission to prepare for 2025.

A handwritten signature in dark ink that reads "Robert W. Olsen".

Robert "Bob" W. Olsen
Interim President and CEO
Montana Hospital Association



LEGISLATIVE SUMMARY QUICK GLANCE

	BILL NUMBER	TITLE	SPONSOR	MHA POSITION	OUTCOME	GRADE
ACCESS TO CARE	HB 17	PROVIDE FOR IMPLEMENTATION OF CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC MODEL	Rep. Ed Stafman (D-Bozeman)	SUPPORT	FAILED	...
	HB 312	PROVIDE FOR RURAL EMERGENCY HOSPITAL DESIGNATION	Rep. Jodee Etchart (R-Billings)	SUPPORT	PASSED	✓
	HB 872	PROVIDE FUNDING FOR BEHAVIORAL HEALTH SYSTEM FOR FUTURE GENERATIONS	Rep. Bob Keenan (R-Bigfork)	SUPPORT	PASSED	✓
	SB 112	REVISE PHARMACIST PRESCRIBING AUTHORITY	Sen. Tom McGillvray (R-Billings)	NO POSITION	PASSED	...
BUDGET	HB 2	GENERAL APPROPRIATIONS ACT	Rep. Llew Jones (R-Conrad)	SUPPORT	PASSED	✓
	HB 649	IMPLEMENT RATES FROM PROVIDER RATE STUDY	Rep. Mary Caferro (D-Helena)	SUPPORT	FAILED	...
	HB 917	AUTHORIZE TRANSFERS AND OTHER NECESSARY MEASURES TO IMPLEMENT HB 2 SECTION B	Rep. Bob Keenan (R-Bigfork)	SUPPORT	FAILED	...
CLINICAL ISSUES	HB 29	REVISE LAWS RELATED TO INVOLUNTARY COMMITMENT OF PEOPLE WITH DEMENTIA OR TBI	Rep. Jennifer Carlson (R-Manhattan)	NO POSITION	PASSED	...
	HB 79	CREATE SEXUAL ASSAULT RESPONSE NETWORK PROGRAM AND COMMITTEE	Rep. Amy Regier (R-Kalispell)	SUPPORT	PASSED	✓
	HB 154	REMOVE LICENSURE REQUIREMENT FOR MEDICATION AIDES	Rep. Paul Tuss (D-Havre)	SUPPORT	PASSED	✓
	HB 200	REVISE THE MONTANA SAFE HAVEN NEWBORN PROTECTION ACT	Rep. Sherry Essman (R-Billings)	SUPPORT	PASSED	✓
	HB 313	PROVIDE FOR INDEPENDENT PRACTICE OF PHYSICIAN ASSISTANTS	Rep. Jodee Etchart (R-Billings)	NO POSITION	PASSED	...
	HB 645	PROHIBIT DONATIONS OF CERTAIN BLOOD AND BLOOD PRODUCTS	Rep. Greg Kmetz (R-Miles City)	OPPOSE	FAILED	✓
	SB 99	PROVIDE FOR A YOUTH HEALTH PROTECTION ACT	Sen. John Fuller (R-Whitefish)	OPPOSE	PASSED	✗
	SB 284	REQUIRING REPORT OF DRUGS TAKEN BY OR PRESCRIBED TO A VICTIM OF SUICIDE	Sen. Carl Glimm (R-Kila)	NO POSITION	PASSED	...
	SB 422	EXPAND ELIGIBILITY FOR THE RIGHT TO TRY ACT	Sen. Kenneth Bogner (R-Miles City)	NO POSITION	PASSED	...
GENERAL	HB 45	PROVIDE OVERSIGHT AND STANDARD FOR COMMUNITY BENEFITS/CHARITY CARE	Rep. Bob Keenan (R-Bigfork)	SUPPORT	PASSED	✓
	HB 152	REVISE LAWS RELATED TO PROFESSIONAL AND OCCUPATIONAL LICENSURE	Rep. Bill Mercer (R-Billings)	SUPPORT	FAILED	...
	HB 303	IMPLEMENT MEDICAL ETHICS AND DIVERSITY ACT	Rep. Amy Regier (R-Kalispell)	OPPOSE	PASSED	✗
	HB 376	ESTABLISH PATIENT BILL OF RIGHTS	Rep. Jane Gillette (R-Bozeman)	SUPPORT	PASSED	...
	HB 509	REVISE COMMUNITY BENEFIT LAWS FOR NONPROFIT HOSPITALS	Rep. Scot Kerns (R-Great Falls)	OPPOSE	FAILED	✓
	HB 708	ESTABLISH GOVERNANCE REQUIREMENTS FOR NONPROFIT HOSPITALS	Rep. Jane Gillette (R-Bozeman)	OPPOSE	FAILED	✓
	SB 308	ESTABLISH PATIENT VISITATION RIGHTS	Sen. Kenneth Bogner (R-Miles City)	NO POSITION	PASSED	...
	SB 364	ESTABLISH LIMITS ON HOSPITAL-RELATED CHARGES	Sen. Greg Hertz (R-Polson)	OPPOSE	FAILED	✓
	SB 451	REVISE HEALTHCARE CONTRACT LAWS TO PROHIBIT CERTAIN RESTRICTIONS	Sen. Jason Small (R-Busby)	NO POSITION	PASSED	...

	BILL NUMBER	TITLE	SPONSOR	MHA POSITION	OUTCOME	GRADE
INSURANCE	HB 379	REVISE LAWS RELATED TO PHARMACY BENEFIT MANAGERS	Rep. Tom Welch (R-Dillon)	SUPPORT	PASSED	✓
	HB 665	REVISE LAWS RELATED TO INSURANCE COVERAGE OF BREAST EXAMINATIONS	Rep. Jodee Etchart (R-Billings)	SUPPORT	PASSED	✓
	SB 223	ESTABLISH REQUIREMENTS FOR INSURANCE COVERAGE OF CLINICIAN-ADMINISTERED DRUGS	Sen. Steve Fitzpatrick (R-Great Falls)	SUPPORT	FAILED	...
MEDICAID	HB 828	AUTHORIZE AN AMBULANCE PROVIDER ASSESSMENT PROGRAM	Rep. Ed Buttrey (R-Great Falls)	NO POSITION	FAILED	...
	HB 835	CREATE MEDICAID AND 24/7 CONTINGENCY FUND	Rep. Bob Keenan (R-Bigfork)	NO POSITION	PASSED	...
POST-ACUTE	HB 891	PROVIDE ONE-TIME EMERGENCY STABILIZATION PAYMENTS TO NURSING HOMES	Rep. Jennifer Carlson (R-Manhattan)	SUPPORT	FAILED	...
	SB 502	PROVIDE FOR STATE INCOME TAX CREDIT FOR PRIVATELY PAID NURSING HOME COSTS	Sen. Dennis Lenz (R-Billings)	NO POSITION	FAILED	...
TAX	HB 206	GENERALLY REVISE MILL LEVY ELECTION LAWS	Rep. Ron Marshall (R-Hamilton)	OPPOSE	FAILED	✓
	HB 391	REQUIRE LOCAL USER FEE ON CERTAIN EXEMPT PROPERTY	Rep. Sherry Essman (R-Billings)	OPPOSE	FAILED	✓
	SB 125	LIMIT CERTAIN PROPERTY TAX LEVIES TO 5 YEARS WITHOUT REAPPROVAL	Sen. Greg Hertz (R-Polson)	OPPOSE	FAILED	✓
	SB 251	SUNSET OR REAPPROVE EXISTING VOTER-APPROVED PROPERTY TAX LEVIES	Sen. Greg Hertz (R-Polson)	OPPOSE	FAILED	✓
	SB 291	REVISE THRESHOLD FOR APPROVAL FOR CERTAIN BOND ELECTIONS	Sen. Greg Hertz (R-Polson)	OPPOSE	FAILED	✓
	SB 292	REVISING THE THRESHOLD FOR APPROVAL OF A MILL LEVY ELECTION	Sen. Greg Hertz (R-Polson)	OPPOSE	FAILED	✓
	SB 506	INCREASE AND REPEAL TERMINATION OF MONTANA CHARITABLE ENDOWMENT TAX CREDIT	Sen. Greg Hertz (R-Polson)	SUPPORT	PASSED	✓
	SB 513	REVOKE NONPROFIT HOSPITAL PROPERTY TAX EXEMPTION	Sen. Jeremy Trebas (R-Great Falls)	OPPOSE	FAILED	✓
WORKFORCE	HB 409	ADOPT ADVANCED PRACTICE NURSE COMPACT	Rep. Amy Regier (R-Kalispell)	SUPPORT	FAILED	...
	HB 448	REVISE LAWS RELATED TO RIGHT TO WORK	Rep. James Bergstrom (R-Butte)	NO POSITION	FAILED	...
	HB 568	ESTABLISH SAFE NURSING STANDARDS FOR HOSPITALS	Rep. Mary Caferro (D-Helena)	OPPOSE	FAILED	✓
	HB 590	REVISE LABOR LAWS RELATING TO VIOLENCE AGAINST HEALTHCARE WORKERS	Rep. Ed Buttrey (R-Great Falls)	SUPPORT	PASSED	✓
	HB 610	ALLOWING ECPS TO PROVIDE PATIENT CARE IN A HEALTHCARE FACILITY	Rep. Steve Gist (R-Cascade)	SUPPORT	PASSED	✓
	HB 777	ADOPT THE INTERSTATE COUNSELING COMPACT	Rep. Ed Buttrey (R-Great Falls)	SUPPORT	PASSED	✓
	SB 140	REVISE UNION MEMBERSHIP LAWS	Sen. Keith Regier (R-Kalispell)	NO POSITION	FAILED	...
	SB 450	PERSONAL FREEDOM / RIGHT OF CONSCIENCE ACT RELATED TO IMMUNIZATIONS AND DRUGS	Sen. Daniel Emrich (R-Great Falls)	OPPOSE	FAILED	✓



= Likely to be revisited in the 2025 Legislative Session

GRADE KEY: ✓ = POSITIVE IMPACT ✗ = NEGATIVE IMPACT ... = NEUTRAL
Bills highlighted in orange indicate high-priority legislation.

HEALTHCARE PROVIDERS HAVE A RESPONSIBILITY TO
PROVIDE STRONG LEADERSHIP IN CREATING AN EFFECTIVE
AND EFFICIENT DELIVERY SYSTEM.





HB 17 PROVIDE FOR IMPLEMENTATION OF CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC MODEL

HB 17 would require the Montana Department of Public Health and Human Services (DPHHS) to implement the Certified Community Behavioral Health Clinic model and require payment by the Medicaid program. The program would have been required to be implemented no later than July 1, 2025.

SPONSOR: Rep. Ed Stafman (D-Bozeman)

MHA POSITION: SUPPORT

OUTCOME: Bill missed the deadline for general bill transmittal

HB 312 PROVIDE FOR RURAL EMERGENCY HOSPITAL DESIGNATION

HB 312 would allow Montana DPHHS to license a hospital as a Rural Emergency Hospital (REH) under new federal regulations. The transition to REH status generally would be the last effort to retain healthcare services in a community. If the community hospital chooses to become a REH, the community will continue to have access to an emergency room and other outpatient services while closure would eliminate nearly all medical services for that community.

SPONSOR: Rep. Jodee Etchart (R-Billings)

MHA POSITION: SUPPORT

OUTCOME: Signed by the Governor

HB 872 PROVIDE FUNDING FOR BEHAVIORAL HEALTH SYSTEM FOR FUTURE GENERATIONS



HB 872 contributes funding into a special account to fund a redesign of behavioral health services in Montana. The bill creates a commission of legislators, DPHHS and subject matter experts to overhaul the program in Montana while creating reporting and performance measures.

SPONSOR: Rep. Bob Keenan (R-Bigfork)

MHA POSITION: SUPPORT

OUTCOME: Signed by the Governor

SB 112 REVISE PHARMACIST PRESCRIBING AUTHORITY

SB 112 is an act to revise pharmacist prescribing authority to allow the prescribing of certain drugs or devices under limited circumstances.

SPONSOR: Sen. Tom McGillvray (R-Billings)

MHA POSITION: NO POSITION

OUTCOME: Signed by the Governor



= Likely to be revisited in the 2025 Legislative Session



BUDGET



HB 2 GENERAL APPROPRIATIONS ACT



The governor's budget proposal forms the basis for HB 2, the general funding bill for all state government functions for the next two years. Governor Gianforte's budget proposed large increases for Medicaid provider rates based on the 2022 Medicaid Provider Rate Study conducted by Guidehouse and commissioned by Montana DPHHS with funding appropriated by the 2021 Montana Legislature. There was also a large focus on addressing the behavioral health issues that exist in Montana.

Medicaid rates for hospital inpatient and outpatient services will increase 4% each of the next two state fiscal years (SFY 2024 and SFY 2025); physician rates will increase in line with the medical CPI (currently projected at 4.2% for SFY 2024); the rate for primary care services will increase 4% each of the next two state fiscal years; and nursing home rates are projected to increase from an average of \$212 per day in 2023 to at or near the \$278 per day rate recommended in the Provider Rate Study. There was also a major investment into behavioral health reimbursement rates.

SPONSOR: Rep. Llew Jones (R-Conrad)

OUTCOME: Signed by the Governor

MHA POSITION: SUPPORT

HB 649 IMPLEMENT RATES FROM PROVIDER RATE STUDY

HB 649 would fully implement the Medicaid provider rate increases outlined in the 2022 Medicaid Provider Rate Study. The Section B (Health and Human Services) budget did not fund the programs included in the rate study up to the recommended rates. Those providers include nursing homes, behavioral health, disability services and other smaller programs.

A additional \$48 million in state general funds would be required to close the gap between the rates approved in the Section B budget and those recommended in the Provider Rate Study. Total funds (including federal funds) would be \$140 million annually. The bill was amended and included an appropriation of \$5 million in state general funds and \$9 million in federal funds for a total value of \$14 million.

SPONSOR: Rep. Mary Caferro (D-Helena)

OUTCOME: Tabled by the Senate Finance and Claims Committee

MHA POSITION: SUPPORT

HB 917 AUTHORIZE TRANSFERS AND OTHER NECESSARY MEASURE TO IMPLEMENT HB 2 SECTION B



HB 917 is a companion bill to HB 2 and would implement policy direction for the funding outlined in the budget bill. The bill requires additional Montana DPHHS reporting on state-owned healthcare facilities regarding budget and staffing needs. In addition, DPHHS must include additional reporting on the Temporary Assistance for Needy Families (TANF) to the interim committee.

SPONSOR: Rep. Bob Keenan (R-Bigfork)

OUTCOME: Vetoed by the Governor

MHA POSITION: SUPPORT

HB 29 REVISE LAWS RELATED TO INVOLUNTARY COMMITMENT OF PEOPLE WITH DEMENTIA OR TBI

HB 29 revises the criteria for institutional commitment for individuals with a primary diagnosis of Alzheimer's disease, other forms of dementia or traumatic brain injury. The bill ends involuntary commitment of certain individuals after June 30, 2025.

HB 29 outlines the criteria for certain Montana State Hospital geriatric patients who should be given first priority for transfer to nursing homes. The bill also establishes a temporary Transition Review Committee with the purpose of developing and implementing a plan to prepare for the end of involuntary commitment of many individuals with a primary diagnosis of Alzheimer's disease, other forms of dementia or traumatic brain injury. The bill also calls for the development and implementation of a plan to ensure the availability of community-based services for these individuals.

SPONSOR: Rep. Jennifer Carlson (R-Manhattan)

MHA POSITION: NO POSITION

OUTCOME: Passed by Legislative Override following Veto by the Governor

HB 79 CREATE SEXUAL ASSAULT RESPONSE NETWORK PROGRAM AND COMMITTEE

Requested by the Montana Department of Justice, HB 79 would create a sexual assault response network program within the Department of Justice. It also creates a sexual assault response team committee with assigned duties of adopting educational and clinical standards for sexual assault nurse examiners; developing statewide teleSANE partnerships; identifying and implementing a statewide forensic nurse platform for sexual assault nurse examiners to engage, mentor, share, and network among colleagues; and establishment of certain payment standards.

SPONSOR: Rep. Amy Regier (R-Kalispell)

MHA POSITION: SUPPORT

OUTCOME: Signed by the Governor

HB 154 REMOVE LICENSURE REQUIREMENT FOR MEDICATION AIDES

HB 154 originally would have removed the licensure of Medication Aides from the Board of Nursing under the Montana Department of Labor and Industry. After much input from the long-term care industry, the bill was amended to continue the licensure but reduce work qualifications for Medication Aide II from 2 years to 1,000 hours and annual continuing education from 12 hours to 6 hours in pharmacology and medication administration.

SPONSOR: Rep. Paul Tuss (D-Havre)

MHA POSITION: SUPPORT AS AMENDED

OUTCOME: Signed by the Governor

HB 200 REVISE THE MONTANA SAFE HAVEN NEWBORN PROTECTION ACT

HB 200 clarifies that a newborn may be surrendered via a newborn safety device or by placing an emergency call. It also states in the act that parents may remain anonymous when surrendering their infant.

SPONSOR: Rep. Sherry Essmann (R-Billings)

MHA POSITION: SUPPORT

OUTCOME: Signed by the Governor



= Likely to be revisited in the 2025 Legislative Session

**HB 313 PROVIDE FOR INDEPENDENT PRACTICE OF PHYSICIAN ASSISTANTS**

HB 313 is a law providing for independent practice of physician assistants. It further clarifies that a physician assistant with fewer than 8,000 hours of postgraduate clinical experience shall practice medicine with a collaborative agreement between the physician assistant and one or more collaborating providers. A licensed physician assistant actively practicing for 8,000 hours prior to October 1, 2023 is exempt from the collaborative agreement requirement.

SPONSOR: Rep. Jodee Etchart (R-Billings)

MHA POSITION: NO POSITION

OUTCOME: Signed by the Governor

HB 645 PROHIBIT DONATIONS OF CERTAIN BLOOD AND BLOOD PRODUCTS

HB 645 would not allow a person to knowingly donate whole blood, plasma, blood products, blood derivatives, human tissue, organs, or bones containing gene-altering proteins, nanoparticles, high-count spike proteins from Long COVID, or other isolates introduced by mRNA or DNA vaccines, mRNA or DNA chemotherapies, or other novel mRNA or DNA pharmaceutical biotechnologies.

HB 645 also prohibited healthcare providers from knowingly using, receiving, accepting, shipping, transferring or administering blood products, blood derivatives, human tissue, organs or bones containing the items noted above.

SPONSOR: Rep. Greg Kmetz (R-Miles City)

MHA POSITION: OPPOSE

OUTCOME: Tabled by the House Human Services Committee

SB 99 PROVIDE FOR A YOUTH HEALTH PROTECTION ACT

HB 99 is an act prohibiting certain medical and surgical treatments to treat minors with gender dysphoria. HB 99 would also prohibit public funds, programs, property and employees from being used for medical and surgical treatment of gender dysphoria. Healthcare professionals who violate this law would be found to have committed professional misconduct, which would result in the suspension of their ability to administer healthcare or practice medicine for at least one year.

The Governor amended the bill to include treatment for children requiring a necessary medical procedure due to a medically verifiable disorder of sex development, or a cancer diagnosis requiring the surgical removal of reproductive organs. The Governor's amendments were approved by both chambers.

SPONSOR: Sen. John Fuller (R-Kalispell)

MHA POSITION: OPPOSE

OUTCOME: Signed by the Governor

SB 284 REQUIRING REPORT OF DRUGS TAKEN BY OR PRESCRIBED TO A VICTIM OF SUICIDE

SB 284 revises laws related to reporting of drugs taken by or prescribed to individuals whose deaths are ruled to be suicide. This would include a list of all controlled substances dispensed to each person whose death was ruled to be a suicide. This also requires coroners to report available toxicology results for individuals who completed suicide requiring a report of toxicology and controlled substance information in deaths ruled to be a suicide. Montana DPHHS would collect the required reporting data and report to the Montana Legislature.

SPONSOR: Sen. Carl Glimm (R-Kila)
OUTCOME: Signed by the Governor

MHA POSITION: NO POSITION

SB 422 EXPAND ELIGIBILITY FOR THE RIGHT TO TRY ACT

SB 422 would expand the Right to Try language and would allow a non-terminal patient to access experimental medications if they have considered all other treatment options; received a recommendation from their provider; and consented to the use of the drug, product or device.

SPONSOR: Sen. Kenneth Bogner (R-Miles City)
OUTCOME: Signed by the Governor

MHA POSITION: NO POSITION



= Likely to be revisited in the 2025 Legislative Session



GENERAL


HB 45

PROVIDE OVERSIGHT AND STANDARD FOR COMMUNITY BENEFITS/CHARITY CARE



HB 45 was the bill from Montana DPHHS to address the concerns raised in the 2020 Legislative Audit Division report regarding the Department's oversight of nonprofit hospitals. The audit was critical of the Department. In response, the Department proposed this bill to implement new rules and receive new reports from hospitals regarding community benefit. MHA worked with DPHHS and the sponsor to agree on language that did not increase unnecessary administrative burden on hospitals but would provide DPHHS with the necessary information for them to move forward with administrative rules.

The bill allows the Department to create new administrative rules, but requires the Department to align rules with existing federal regulations and permit hospitals the flexibility to tailor their community benefit activities to the unique needs and available resources of their local communities.

SPONSOR: Rep. Bob Keenan (R-Bigfork)

OUTCOME: Signed by the Governor

MHA POSITION: SUPPORT

HB 152

REVISE LAWS RELATED TO PROFESSIONAL AND OCCUPATIONAL LICENSURE



HB 152 was at the request of the Gianforte Administration as a part of the Red Tape Relief Project in partnership with the Montana Department of Labor and Industry. This bill changed significantly from a 400-page bill to a five-page bill as it worked its way through from the House to the Senate.

In its amended form, it would support a temporary license for a military spouse to practice a profession or occupation regulated by the Department. It also allows each board and program, upon presentation of satisfactory evidence by an applicant for licensure, to accept relevant education, training or service completed in the armed forces or reserves of the United States, the National Guard, military reserves or naval militia of a state toward the qualifications of licensure.

SPONSOR: Rep. Bill Mercer (R-Billings)

OUTCOME: Tabled by the Senate Business, Labor and Economic Affairs Committee

MHA POSITION: SUPPORT

HB 303

IMPLEMENT MEDICAL ETHICS AND DIVERSITY ACT

HB 303 is an act providing protections for the actions of a medical practitioner, healthcare institution, and healthcare payer based on conscience. The bill defines "conscience" as the ethical, moral or religious beliefs held by these persons or institutions. The bill would also provide protections for objecting to participate in healthcare services based on conscience.

MHA opposed the bill on the grounds that religious protections and exemptions already exist for individuals working within the healthcare setting, and that the broad scope and vagueness of the bill could threaten the safe and nondiscriminatory delivery of patient care.

SPONSOR: Rep. Amy Regier (R-Kalispell)

OUTCOME: Signed by the Governor

MHA POSITION: OPPOSE



HB 376 ESTABLISH PATIENT BILL OF RIGHTS

HB 376 is a compilation of the patient bill of rights that are currently in federal statutes such as HIPAA, EMTALA and the Centers for Medicare and Medicaid Services (CMS) Conditions of Participation.

SPONSOR: Rep. Jane Gillette (R-Bozeman)

MHA POSITION: SUPPORT

OUTCOME: Signed by the Governor

HB 509 REVISE COMMUNITY BENEFIT LAWS FOR NONPROFIT HOSPITALS



HB 509 would require nonprofit hospitals to provide free care to patients with family income at or below 300% of the Federal Poverty Level (FPL) while requiring discounted care up to 500% of FPL. In addition, it specifies that 50% of a hospital's subsidized health services shall be spent directly providing mental health services on an individual basis. The bill also provided language for additional penalties for failure to meet the community benefit standards.

SPONSOR: Rep. Scot Kerns (R-Great Falls)

MHA POSITION: OPPOSE

OUTCOME: Tabled by the House Human Services Committee

HB 708 ESTABLISH GOVERNANCE REQUIREMENTS FOR NONPROFIT HOSPITALS

HB 708 would add requirements for nonprofit hospital boards, including: must live in the county of, or in an adjacent county to, the hospital; cannot be an employee of the hospital; and must not have donated more than \$5,000 to the hospital in the previous five years. The bill also outlined other criteria the board must meet.

SPONSOR: Rep. Jane Gillette (R-Bozeman)

MHA POSITION: OPPOSE

OUTCOME: Bill tabled by the House Local Government Committee

SB 308 ESTABLISH PATIENT VISITATION RIGHTS

SB 308 states a patient has a right to a minimum of two hours of in-person visitation per day and, subject to clinical and safety restrictions, visitation may not be limited to one visitor per day. This bill would prohibit a care facility, Montana DPHHS or the governor (including during a state of emergency or disaster declared by the governor) from terminating, suspending, or waiving patient visitation rights.

A care facility may, consistent with the precautions required to be taken by staff and other personnel: (a) require a visitor to submit to health screenings necessary to prevent the spread of infectious diseases; (b) restrict a visitor who does not pass health screening requirements; (c) require a visitor to adhere to infection control procedures, including wearing personal protective equipment; and (d) limit the number of persons in a room at one time pursuant to occupancy laws.

The bill also prohibits a care facility from restricting visitation based on vaccination status.

SPONSOR: Sen. Kenneth Bogner (R-Miles City)

MHA POSITION: NO POSITION

OUTCOME: Signed by the Governor



= Likely to be revisited in the 2025 Legislative Session

**SB 364** ESTABLISH LIMITS ON HOSPITAL-RELATED CHARGES

SB 364 would mandate that hospitals do not charge a patient or payer (insurer) more than 250% of Medicare rates. The bill was amended to add language to would require hospitals to provide additional reporting on how private reimbursement compares to Medicare reimbursement and also impose a state penalty if hospitals are not in compliance with federal price transparency requirements.

The bill was amended several times through the process, evolving from a bill at first focused on capping charges to one focused on reporting data already publicly available or already reported to the State.

SPONSOR: Sen. Greg Hertz (R-Polson)

MHA POSITION: OPPOSE

OUTCOME: Tabled by the House Human Services Committee

SB 451 REVISE HEALTHCARE CONTRACT LAWS TO PROHIBIT CERTAIN RESTRICTIONS

SB 451 would restrict the use of non-compete language in the employment contracts of behavioral health practitioners (such as a psychiatrist, psychologist, social worker, professional counselor, addiction counselor, marriage and family therapist or a behavioral health peer support specialist).

SPONSOR: Sen. Jason Small (R-Busby)

MHA POSITION: NO POSITION

OUTCOME: Signed by the Governor





HB 379 REVISE LAWS RELATED TO PHARMACY BENEFIT MANAGERS



HB 379 removes the sunset language from the Pharmacy Benefit Management (PBM) oversight bill passed by the 2021 Montana Legislature. The 2021 bill restricted the ability of a PBM to require a modifier on a claim to indicate the claim is a 340B drug. The modifier is used by PBMs to increase the copay or decrease the reimbursement for drugs.

SPONSOR: Rep. Tom Welch (R-Dillon)

OUTCOME: Signed by the Governor

MHA POSITION: SUPPORT

HB 665 REVISE LAWS RELATED TO INSURANCE COVERAGE OF BREAST EXAMINATIONS

HB 665 would ensure patients receiving mammogram care receive coverage for “minimum mammography” and other breast diagnostics as directed by their medical provider, especially in those cases when additional care is required (such as a diagnostic mammogram, breast MRI or ultrasound). A minimum payment of \$70 for “minimum mammography” would include other breast diagnostics as needed, and is designed to encourage patients to obtain their mammograms on a regular basis per the standard of care.

SPONSOR: Rep. Jodee Etchart (R-Billings)

OUTCOME: Signed by the Governor

MHA POSITION: SUPPORT

SB 223 ESTABLISH REQUIREMENTS FOR INSURANCE COVERAGE OF CLINICIAN-ADMINISTERED DRUGS



SB 223 would prohibit health insurance companies from refusing to authorize, approve or pay a participating provider for providing covered clinician-administered drugs and related services to covered persons. This would allow the insured individual to choose their pharmacy instead of the health insurer requiring insured individuals to use a third-party specialty pharmacy contracted by the insurance company.

SPONSOR: Sen. Steve Fitzpatrick (R-Great Falls)

OUTCOME: Tabled by the Senate Business, Labor and Economic Affairs Committee

MHA POSITION: SUPPORT



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MEDICAID



HB 828 AUTHORIZE AN AMBULANCE PROVIDER ASSESSMENT PROGRAM

HB 828 would implement an ambulance provider assessment on ground ambulance, including for a municipal fire or police department or other government entity. The bill originally excluded hospitals included in the current hospital utilization fee program but was later amended to allow hospitals to participate. MHA has been unable to perform any financial analysis due to lack of data. The impact on members is unknown.

SPONSOR: Rep. Ed Buttrey (R-Great Falls)

OUTCOME: Vetoed by the Governor

MHA POSITION: NO POSITION

HB 835 CREATE MEDICAID AND 24/7 CONTINGENCY FUND



The bill includes funding for prior year cost overruns at Montana DPHHS facilities and also includes funding for future years. The DPHHS appropriation is \$56.5 million in addition to the federal authority and covers SFY 2022. This is the DPHHS supplemental appropriation funding that would normally be included in HB 3.

SPONSOR: Rep. Bob Keenan (R-Bigfork)

OUTCOME: Signed by the Governor

MHA POSITION: NO POSITION



HB 891 PROVIDE ONE-TIME EMERGENCY STABILIZATION PAYMENTS TO NURSING HOMES



HB 891 would provide a one-time appropriation to stabilize nursing homes with the money to be paid out in State Fiscal Year 2022. The bill originally provided \$41 million but was later amended to provide \$5 million. The stabilization payments would be prioritized for nursing homes more than 60 miles away from another nursing home or in those areas where hospitals have a backlog of patients who are unable to transition to a nursing home because of capacity issues.

SPONSOR: Rep. Jennifer Carlson (R-Manhattan)

MHA POSITION: SUPPORT

OUTCOME: Tabled by the Senate Finance and Claims Committee

SB 502 PROVIDE FOR STATE INCOME TAX CREDIT FOR PRIVATELY PAID NURSING HOME COSTS

SB 502 would provide an income tax credit for nursing home expenses for private pay patients for those expenses that exceeded the Medicaid nursing home rate.

SPONSOR: Sen. Dennis Lenz (R-Billings)

MHA POSITION: NO POSITION

OUTCOME: Tabled by the Senate Taxation Committee



= Likely to be revisited in the 2025 Legislative Session

HB 206 GENERALLY REVISE MILL LEVY ELECTION LAWS



HB 312 would revise mill levy election laws and would limit the duration of a passed mill levy. The bill would also require that voter turnout must exceed 50% in order for the mill levy to be considered passed.

SPONSOR: Rep. Ron Marshall (R-Hamilton)

OUTCOME: Tabled by the House State Administration Committee

MHA POSITION: OPPOSE

HB 391 REQUIRE LOCAL USER FEE ON CERTAIN EXEMPT PROPERTY



HB 391 would require cities and counties to assess an impact fee on properties that are currently exempt from taxation. The nonprofits impacted include nonprofit health facilities, mental health facilities, and property used for to care for person with developmental disabilities. In addition, it also impacts churches, museums, art galleries and residential property used for affordable housing.

SPONSOR: Rep. Sherry Essmann (R-Billings)

OUTCOME: Tabled by the House Taxation Committee

MHA POSITION: OPPOSE

SB 125 LIMIT CERTAIN PROPERTY TAX LEVIES TO 5 YEARS WITHOUT REAPPROVAL



SB 125 would limit mill levies to no more than five years except if the levy was in support of fire and safety and other services deemed essential. The bill was amended to include exemptions for schools, law enforcement, fire protection, search and rescue, water, wastewater, storm water and solid waste.

SPONSOR: Sen. Greg Hertz (R-Polson)

OUTCOME: Tabled by the Senate Taxation Committee

MHA POSITION: OPPOSE

SB 251 SUNSET OR REAPPROVE EXISTING VOTER-APPROVED PROPERTY TAX LEVIES



SB 251 would terminate certain mill levies unless they were renewed prior to December 31, 2027. The bill would exempt any levy that support law enforcement, fire protection, search and rescue, water, wastewater, storm water, solid waste or the uses authorized in 15-70-101(4).

SPONSOR: Sen. Greg Hertz (R-Polson)

OUTCOME: Tabled by the Senate Taxation Committee

MHA POSITION: OPPOSE

SB 291 REVISE THRESHOLD FOR APPROVAL FOR CERTAIN BOND ELECTIONS



SB 291 would require a certain number of electorates to have voted in order for a mill levy to be considered valid. The bill also sets other thresholds for a levy to be considered passed.

SPONSOR: Sen. Greg Hertz (R-Polson)

OUTCOME: Tabled by the Senate Taxation Committee

MHA POSITION: OPPOSE

SB 292 REVISING THE THRESHOLD FOR APPROVAL OF A MILL LEVY ELECTION



SB 292 is similar to SB 291 in that it also modifies the requirement for a mill levy to be deemed approved by the electorate.

SPONSOR: Sen. Greg Hertz (R-Polson)

OUTCOME: Tabled by the Senate Taxation Committee

MHA POSITION: OPPOSE

SB 506 INCREASE AND REPEAL TERMINATION OF MONTANA CHARITABLE ENDOWMENT TAX CREDIT

The bill would revise the maximum donation that qualifies for the credit and removes the termination date of the credit. The bill would increase the annual endowment limit from \$10,000 to \$15,000.

SPONSOR: Sen. Greg Hertz (R-Polson)

OUTCOME: Signed by the Governor

MHA POSITION: SUPPORT

SB 513 REVOKE NONPROFIT HOSPITAL PROPERTY TAX EXEMPTION



SB 513 initially removed all tax exemptions for nonprofit providers and would require them to pay property taxes. The bill was later amended to apply only to nonprofit healthcare facilities.

SPONSOR: Sen. Jeremy Trebas (R-Great Falls)

OUTCOME: Tabled by the Senate Finance and Claims Committee

MHA POSITION: OPPOSE



MHA MEMBERS ARE COMMITTED TO SERVING THEIR
COMMUNITIES & PROVIDING HIGH QUALITY CARE TO ALL
PERSONS IN NEED OF HEALTHCARE SERVICES.



= Likely to be revisited in the 2025 Legislative Session



HB 409 ADOPT ADVANCED PRACTICE NURSE COMPACT



HB 409 would have continued the work that was started in 2015 when the Nurse Licensure Compact (NLC) passed for Registered Nurses and Licensed Practical Nurses. HB 409 is specific to Advance Practice Registered Nurses (APRNs) allowing a multi-state license for those APRNs with an unencumbered license.

SPONSOR: Rep. Amy Regier (R-Kalispell)

MHA POSITION: SUPPORT

OUTCOME: Tabled by the Senate Business, Labor and Economic Affairs Committee

HB 448 REVISE LAWS RELATED TO RIGHT TO WORK



Under HB 448, an employee would be protected in the exercise of the employee's freedom of choice to join or to refrain from joining a labor organization. It would be unlawful for a labor organization and an employer to enter into a contract or agreement that requires the employee to pay dues, fees, assessments or other charges of any kind to a labor organization as a condition of obtaining or retaining a job. Additionally, an employer may not discharge or otherwise discriminate against an employee because of the employee's refusal to join or pay dues, fees, assessments or other charges of any kind to a labor organization.

HB 448 also defined the right of public employees to both self-organize as well as the right to not join a union.

SPONSOR: Rep. James Bergstrom (R-Buffalo)

MHA POSITION: NO POSITION

OUTCOME: Tabled by the House Business and Labor Committee

HB 568 ESTABLISH SAFE NURSING STANDARDS FOR HOSPITALS



HB 568 would have established nurse staffing standards for hospitals and required the development of and reporting on implementation of a nurse staffing plan. HB 568 also would have mandated minimum Registered Nurse-to-patient ratios and prohibited the use of mandatory overtime except in certain circumstances. The bill included corrective action and penalties for hospitals that failed to comply with the staffing plan.

SPONSOR: Rep. Mary Caferro (D-Helena)

MHA POSITION: OPPOSE

OUTCOME: Tabled by the House Business and Labor Committee

HB 590 REVISE LABOR LAWS RELATING TO VIOLENCE AGAINST HEALTHCARE WORKERS

HB 590 will require hospitals to collect data of violence against Montana healthcare workers through June 30, 2025. The data would be provided quarterly to the Department of Justice. On an annual basis, the Department of Justice would compile a report on workforce violence in healthcare settings and publish the report on its website.

SPONSOR: Rep. Ed Buttrey (R-Great Falls)

MHA POSITION: SUPPORT

OUTCOME: Signed by the Governor

HB 610 ALLOWING ECPS TO PROVIDE PATIENT CARE IN A HEALTHCARE FACILITY

This bill would allow an Emergency Care Provider (ECP) to provide patient care in a healthcare facility. The provision of care must be approved by the facility, provided under medical direction, and within the scope of the emergency care provider's licensure level.

SPONSOR: Rep. Steve Gist (R-Cascade)

OUTCOME: Signed by the Governor

MHA POSITION: SUPPORT

HB 777 ADOPT THE INTERSTATE COUNSELING COMPACT

HB 777 develops a licensure compact to facilitate the interstate practice of licensed professional counselors with the goal of improving public access to professional counseling services in Montana.

SPONSOR: Rep. Ed Buttrey (R-Great Falls)

OUTCOME: Signed by the Governor

MHA POSITION: SUPPORT

SB 140 REVISE UNION MEMBERSHIP LAWS



SB 140 would revise union membership laws and would require employees of a healthcare facility to consent to the deduction of union membership fees from their pay.

SPONSOR: Sen. Keith Regier (R-Kalispell)

OUTCOME: Tabled by the Senate Business, Labor and Economic Affairs Committee

MHA POSITION: NO POSITION

SB 450 PERSONAL FREEDOM / RIGHT OF CONSCIENCE ACT RELATED TO IMMUNIZATIONS AND DRUGS



SB 450 would require entities or persons to accept without question or malice any religious or conscience exemption that is provided for an immunization that is required for employment purposes or for school or child care attendance. The bill would apply to state agencies, day care facilities, healthcare providers, or any other organization licensed by the State. A person or entity that fails to comply with the requirements of this bill would not be able to receive funding from the State.

SPONSOR: Sen. Daniel Emrich (R-Great Falls)

OUTCOME: Tabled by the House Judiciary Committee

MHA POSITION: OPPOSE



= Likely to be revisited in the 2025 Legislative Session

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