



Children, Families, Health, and Human Services Interim Committee

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62nd Montana Legislature

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June 22, 2011

Mr. Kenneth Mordan
Department of Public Health and Human Services
Office of Legal Affairs
P.O. Box 4210
Helena, MT 59604-4210

Via Fax (406) 444-9744

Dear Mr. Mordan,

Pursuant to the Children, Families, Health, and Human Services Interim Committee's statutory authority as the appropriate administrative rule review committee under 5-5-225, MCA this letter constitutes notice that a majority of the members of the Children, Families, Health, and Human Services Interim Committee request that the comment period be extended for MAR Notice No. 37-541 and that a second hearing be held. MAR Notice No. 37-541 addresses proposed amendments to ARM 37.85.212 entitled "Resource Based Relative Value Scale (RBRVS) Reimbursement for Specific Provider Types".

The Children, Families, Health, and Human Services Interim Committee held its first meeting of the 2011-2012 interim on Monday, June 20, 2011. During the course of the meeting the Committee heard testimony that the Medicaid Mental Health and Mental Health Services Plan fee schedule for individuals under 18 years of age, which reflected the impact to provider rates caused by the proposed amendments to ARM 37.85.212, was inaccurate. The Children, Families, Health, and Human Services Interim Committee makes this request for a new hearing and an extended comment period based upon the posting of incorrect information and the resulting confusion to interested and affected parties and the public.

As a result of the posting of inaccurate provider rates, members of the public and interested parties were unable to provide fully informed comment at the hearing. It is our understanding that the correct provider rates for the Medicaid Mental Health and Mental Health Services Plan fee schedule for individuals under 18 years of age were posted on June 21, 2011. Since the comment period currently expires at 5:00 P.M. on June 23, 2011 the public will not have adequate time to provide comment and adequately participate in the rulemaking process unless the comment period is extended.

For these reasons, the Children, Families, Health, and Human Services Interim Committee respectfully requests that a new hearing be scheduled and an extended comment period be allowed. In the alternative, the Committee requests that the comment period be extended for at least one week to allow adequate time for meaningful comment.

Thank you for your consideration in this matter.

Sincerely,

Senator Mary Caferro
Vice Chair, Children, Families, Health, and Human Services Interim Committee

cc: Director Anna Whiting Sorrell, Department of Public Health and Human Services