



Children, Families, Health, and Human Services Interim Committee

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62nd Montana Legislature

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TO: Committee Members
FROM: Alexis Sandru, Staff Attorney
RE: DPHHS Administrative Rule Activity -- Report for August Meeting
DATE: August 6, 2012

The Department of Public Health and Human Services (Department) has filed the following notices with the Secretary of State's Office for publication in the Montana Administrative Register (MAR). *Notices are published twice a month and are available in their entirety at <http://www.mtrules.org> (search by notice number).*

I. Correction Notices

1. Notice No. 37-557, Issue 13 (July 12, 2012): The Department has filed a Corrected Notice of Amendment to ARM 37.86.1101, 37.86.1102, 37.86.1105, and 37.86.1106, which pertain to Medicaid pharmacy reimbursement. The original notice of amendment, published in November of 2011, contained a citation error.

II. Adoption Notices

1. Notice No. 37-579, Issue 12 (June 21, 2012): The Department has filed a Notice of Amendment to ARM 37.78.102 and 37.78.508. The amendments, which pertain to good cause criteria under the TANF policy manual, were adopted as proposed and no public comment or testimony was received. The amendments will apply retroactively to June 8, 2012.
2. Notice No. 37-580, Issue 12 (June 21, 2012): The Department has filed a Notice of Amendment to ARM 37.108.507. The amendment, which pertains to healthcare effectiveness data and information set measures, was adopted as proposed and no public comment or testimony was received. The amendment will apply retroactively to January 1, 2012.
3. Notice No. 37-581, Issue 12 (June 21, 2012): The Department has filed a Notice of Adoption of New Rules I through IV and Amendment of rules contained in Title 37, chapter 90, subchapter 4, ARM, pertaining to home and community-based services for adults with severe disabling mental illness. The Department adopted the new rules and amendments as proposed, and no public comment or testimony was received. The new rules are located at ARM 37.90.403, 37.90.415, 37.90.416, and 37.90.417.
4. Notice No. 37-582, Issue 12 (June 21, 2012): The Department has filed a Notice of Amendment to ARM 37.85.212 and 37.86.105, which pertain to the resource based relative

value scale. The Department amended ARM 37.86.105 as proposed and amended ARM 37.85.212 with one change -- the conversion factor for mental health services was increased from \$22.80 to \$22.81.

5. Notice No. 37-583, Issue 12 (June 21, 2012): The Department has filed a Notice of Amendment of ARM 37.86.1501, 37.86.1502, and 37.86.1506, which pertain to home infusion therapy program revisions. The Department adopted amendments to ARM 37.86.1502 and 37.86.1506 as proposed and adopted ARM 37.86.1501 with changes that reflected the public comment received.

6. Notice No. 37-584, Issue 12 (June 21, 2012): The Department has filed a Notice of Amendment of ARM 37.87.733, 37.87.809, 37.87.901, and 37.87.2233, which involve updating the Children's Mental Health Bureau fee schedule. The amendments were adopted as proposed, and no public comment or testimony was received.

7. Notice No. 37-577, Issue 13 (July 12, 2012): The Department has filed a Notice of Amendment of rules contained in Title 37, chapter 95, ARM, pertaining to infant care. The Department received numerous comments, some of which were incorporated into the initial proposal.

8. Notice No. 37-585, Issue 13 (July 12, 2012): The Department has filed a Notice of Amendment and Repeal of rules contained in Title 37, chapter 86, subchapters 30 and 31, ARM, which pertain to Medicaid outpatient hospital services. Several comments were received, and the Department made changes to ARM 37.86.3020 and 37.86.3033.

9. Notice No. 37-586, Issue 13 (July 12, 2012): The Department has filed a Notice of Adoption and Amendment, adopting a new rule and amending ARM 37.34.114, which pertains to the certification of persons assisting in the administration of medication, as proposed. No comments were received.

10. Notice No. 37-587, Issue 14 (July 26, 2012): The Department has filed a Notice of Amendment of ARM 37.71.404, which pertains to the low income weatherization assistance program. The Department amended the rule as proposed and did not receive any comments or testimony. The amendment went into effect August 1, 2012.

III. Proposal Notices

1. Notice No. 37-589, Issue 12 (June 21, 2012): The Department has filed a Notice of Public Hearing on Proposed Amendment to ARM 37.86.3607, involving the reimbursement of case management services for persons with developmental disabilities. The Department is proposing to amend Section One of the Developmental Disabilities Program Manual of Service Reimbursement Rates and Procedures to remove references to how many full-time employees each case management contractor is expected to employ. A public hearing was held on July 11, 2012. The Department intends for the amendment to apply retroactively to August 1, 2012.

2. Notice No. 37-590, Issue 12 (June 21, 2012): The Department has filed a Notice of Public Hearing on Proposed Amendment to ARM 37.40.307 and 37.40.361, which pertain to nursing facility reimbursement. The proposed amendments implement funding for the state fiscal year (2013), continue funding for wage increases/lump sum payments, and incorporate date changes. The Department estimates that approximately 22 providers will experience a rate reduction due to the proposed changes, and the remainder of providers will experience varying levels of rate increases. A public hearing was held on July 16, 2012. The Department intends for the amendments to go into effect on September 1, 2012.

3. Notice No. 37-591, Issue 13 (July 12, 2012): The Department has filed a Notice of Public Hearing on Proposed Amendment to ARM 37.80.101 and 37.80.306, pertaining to child care policy manual revisions. The proposed amendments incorporate revisions to the Montana Child Care Manual, add two additional reasons for denying an application for certification or recertification as a legally certified provider, and amend provisions regarding an individual's criminal record. A public hearing was held on August 1, 2012.

4. Notice No. 37-592, Issue 13 (July 12, 2012): The Department has filed a Notice of Public Hearing on Proposed Amendment to ARM 37.87.2202, 37.87.2205, and 37.87.2225, which pertain to non-Medicaid respite care services for youth with serious emotional disturbance. The Department proposes to provide non-Medicaid respite services concurrently with therapeutic family care (an additional eligibility requirement) and to add child placing agencies as an additional provider type. A public hearing was held on August 1, 2012.

5. Notice No. 37-593, Issue 14 (July 26, 2012): The Department has filed a Notice of Public Hearing on Proposed Adoption of New Rules I through XXXIII, which pertain to the Medicaid home and community services children's autism program. The new rules implement the children's autism waiver. A public hearing is scheduled for August 20, 2012, at 10 a.m. in the auditorium of the DPHHS building. The Department intends for the rules to go into effect October 1, 2012.

6. Notice No. 37-595, Issue 14 (July 26, 2012): The Department has filed a Notice of Public Hearing on Proposed Adoption of New Rules 1 through III, which pertain to the home and community-based services (HCBS) state plan program. The new rules relate to administering the 1915(i) HCBS state plan services and adopt and incorporate by reference the 1915(i) State Plan Program for Youth with Serious Emotional Disturbance Policy Manual (October 1, 2012). The Department anticipates that by October 1, 2013, 56 youth will be enrolled in the program. A public hearing is scheduled for August 20, 2012, at 1:30 p.m. in the auditorium of the DPHHS building. If adopted, the rules will go into effect October 1, 2012.

7. Notice No. 37-596, Issue 14 (July 26, 2012): The Department has filed a Notice of Public Hearing on Proposed Amendment and Repeal of rules contained in Title 37, chapter 87, subchapter 13, ARM, which pertain to home and community-based services (HCBS) for youth with serious emotional disturbance. The Department's proposals reflect the September 30, 2012, termination date of the HCBS Psychiatric Residential Treatment Facility (PRTF) waiver and

subsequent provision of the 1915(c) HCBS bridge waiver services. Pursuant to federal regulation, only those youth who are enrolled in the HCBS PRTF waiver at its termination are eligible for enrollment in the HCBS bridge waiver. A public hearing is scheduled for August 20, 2012, at 1:30 p.m. in the auditorium of the DPHHS building. The Department intends for the rules to go into effect on October 1, 2012.

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