



**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 -- May 2012 CFHHS Meeting Report
DATE: May 2, 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. 37-570, Issue 7 (April 12, 2012): The Department has filed a Corrected Notice of Amendment pertaining to the amendment of ARM 37.80.101. A typographical error was made when typing the year of the effective date of the Montana Child Care Manual. The correct effective date is January 27, 2012.
2. Notice No. 37-534, Issue 8 (April 26, 2012): The Department has filed a Corrected Notice of Amendment pertaining to the developmental disabilities eligibility rules for Medicaid in order to correct a typographical error.

II. Adoption Notices

1. Notice No. 37-564, Issue 6 (March 22, 2012): The Department has filed a Notice of Amendment to ARM 37.88.901 and 37.88.908. The amendments pertain to the mental health services for adults program of assertive community treatment (PACT).
2. Notice No. 37-571, Issue 6 (March 22, 2012): The Department has filed a Notice of Amendment to ARM 37.87.1303, 37.87.1307, 37.87.1321, and 37.87.1333. The amendments pertain to home and community-based services for youth with serious emotional disturbance.
3. Notice No. 37-572, Issue 6 (March 22, 2012): The Department has filed a Notice of Amendment to ARM 37.86.2803, 37.86.2907, 37.86.2918, and 37.86.2925. The amendments involve rate changes for Medicaid inpatient hospital services.

4. Notice No. 37-573, Issue 7 (April 12, 2012): The Department has filed a Notice of Amendment to ARM 37.82.701, 37.86.1701, 37.86.1705, and 37.86.1706. The amendments pertain to the implementation of the Plan First 1115 Waiver. (Effective date was moved from February 1, 2012, to May 1, 2012, because the approval date of the waiver and enhancements to the claims processing system were delayed.)

5. Notice No. 37-568, Issue 7 (April 12, 2012): The Department has filed a Notice of Adoption, Amendment, and Repeal of rules relating to the Montana child support guidelines. (Effective July 1, 2012.)

III. Proposal Notices

1. Notice No. 37-576, Issue 6 (March 22, 2012): The Department has filed a Notice of Public Hearing on Proposed Amendment to ARM 37.107.117, involving the Montana marijuana program. The proposed amendment seeks to increase the registered cardholder application fee from \$25 to \$75 and the annual registered cardholder renewal fee from \$10 to \$75. The Department states the fee increase is necessary to sustain the program without a deficit. The cumulative cost of the increase to registered cardholders is estimated to be approximately \$799,075 annually. A public hearing was held on April 12, 2012. Should the amendment be adopted, it will not go into effect until June 1, 2012, or the day after it is published in the MAR, whichever is later.

2. Notice No. 37-577, Issue 6 (March 22, 2012): The Department has filed a Notice of Public Hearing on Proposed Amendment to ARM 37.95.102, 37.95.128, 37.95.132, 37.95.184, 37.95.623, 37.95.702, 37.95.1001, 37.95.1002, 37.95.1003, 37.95.1004, 37.95.1005, 37.95.1011, 37.95.1015, 37.95.1016, and 37.95.1021, regarding infant care. The proposals amend definitions of infant and toddler; requirements for staffing group and family day care; protocol for wet and soiled clothing; requirements for feeding, bathing, and sleeping; requirements for activities and equipment; and special requirements for day care centers. A public hearing was held on April 11, 2012.

3. Notice No. 37-578, Issue 7 (April 12, 2012): The Department has filed a Notice of Proposed Adoption, proposing to adopt a new rule relating to the implementation of programs under the Montana tobacco settlement fund. No hearing is scheduled. The Department intends for the rule to go into effect May 12, 2012.

4. Notice No. 37-579, Issue 7 (April 12, 2012): The Department has filed a Notice of Public Hearing on Proposed Amendment to ARM 37.78.102 and 37.78.508. The proposed amendments seek to adopt and incorporate a new version of the Montana TANF cash assistance manual, dated June 8, 2012, and revise good cause criteria. A public hearing is scheduled for May 3, 2012, at 10 a.m. in Room 207 of the DPHHS building.

5. Notice No. 37-580, Issue 8 (April 26, 2012): The Department has filed a Notice of Proposed Amendment to ARM 37.108.507. The proposed amendment updates the healthcare effectiveness data and information set (HEDIS) to 2012 measures. No hearing is scheduled. The Department intends that the amendment be applied retroactively to January 1, 2012.
6. Notice No. 37-581, Issue 8 (April 26, 2012): The Department has filed a Notice of Public Hearing on Proposed Adoption and Amendment concerning the adoption of four new rules and the amendment of ARM 37.90.401, 37.90.402, 37.90.408, 37.90.410, 37.90.425, 37.90.428, 37.90.442, and 37.90.460, which pertain to home and community-based services for adults with severe disabling mental illness. The new rules contemplate the addition of a definition section and additional services. The proposed amendments include adding counties and services; changing requirements for social workers; and changing provisions for consistency purposes. A hearing is scheduled for May 16, 2012, at 11 a.m. in the auditorium of the DPHHS building. The Department intends for the new rules and amendments to go into effect on July 1, 2012.
7. Notice No. 37-582, Issue 8 (April 26, 2012): The Department has filed a Notice of Public Hearing on Proposed Amendment to ARM 37.85.212 and 37.86.105, which pertain to the resource based relative value scale (RBRVS) reimbursement for specific provider types. For FY 2013, the Department is proposing to maintain fees at FY 2012 aggregate levels. The proposed conversion factor amounts for FY 2013 are \$31.86 for physician services, \$23.11 for allied services, \$22.80 for mental health services, and \$27.55 for anesthesia services. The Department continues to interpret 53-6-124 and 53-6-125, MCA, as requiring that fees for services performed by physicians using the RBRVS reimbursement system remain, in an aggregate and at a minimum, at the FY 2010 levels. A hearing is scheduled for May 16, 2012, at 1:30 p.m. in the auditorium of the DPHHS building. The Department intends for the amendments to go into effect on July 1, 2012.
8. Notice No. 37-583, Issue 8 (April 26, 2012): The Department has filed a Notice of Public Hearing on Proposed Amendment to ARM 37.86.1501, 37.86.1502, and 37.86.1506, which pertain to home infusion therapy services. The proposed amendments seek to consolidate home nursing services for infusion/specialty drug administration into the Home Infusion Therapy Program. A public hearing is scheduled for May 16, 2012, at 9:30 a.m. in Room 207 of the DPHHS building. The Department intends for the amendments to go into effect on July 1, 2012.
9. Notice No. 37-584, Issue 8 (April 26, 2012): The Department has filed a Notice of Public Hearing on Proposed Amendment to ARM 37.87.733, 37.87.809, 37.87.901, and 37.87.2233, which pertain to the Children's Mental Health Bureau fee schedule. A public hearing is scheduled for May 17, 2012, at 9 a.m. in Room 207 of the DPHHS building. The Department intends for the amendments to go into effect on July 1, 2012.