



Children, Families, Health, and Human Services Interim Committee

68th Montana Legislature

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September 1, 2023

TO: Children, Families, Health, and Human Services Interim Committee
FROM: Maddie Krezowski, Staff Attorney
RE: Administrative Rule Report – September 1, 2023

This report covers proposed administrative rules from the Department of Public Health and Human Services (DPHHS) as of August 29, 2023. Current rule notices are available at www.mtrules.org (search by notice number in the bottom right-hand search box, i.e., 37-1028).

CURRENT AND UPCOMING PROPOSAL NOTICES

MAR Notice Number: 37-1025

Subject: Developmental Disabilities Program Incident Reporting and Handling

Date Notice Sent to Committee: August 25, 2023

Proposal Notice Publication Date: August 25, 2023

Public Hearing Date: September 15, 2023

Public Comment Due Date: September 22, 2023

Possible Adoption and Effective Dates:¹ The agency can adopt the rule after September 24, 2023. Notice of adoption for the rule must be published before February 25, 2024.

Link to text: The proposal notice is [here](#). The link to the updated Developmental Disabilities Program Incident Management Manual is [here](#).

UPCOMING MAR Notice Number: 37-1026

Subject: Notice Trauma Facility Designation

Date Notice Sent to Committee: August 29, 2023

Proposal Notice Publication Date: September 8, 2023

Public Hearing Date: September 28, 2023

Public Comment Due Date: October 6, 2023

Possible Adoption and Effective Dates:¹ The agency can adopt the rule after October 8, 2023. Notice of adoption for rule must be published before March 8, 2023.

¹ MAPA provides a timeframe for the adoption of proposed rules. In general, a rule may not be adopted until at least 30 days after the publication of the proposal notice and the adoption notice must be published within 6 months of the publication of the proposal notice. See §§ 2-4-302 and 2-4-305. Rulemaking is adopted upon filing the adoption notice with the Secretary of State and effective upon publication of the adoption notice in the MAR. See 2-4-306, MCA. The Secretary of State publishes the MAR two times a month. An agency must file notices with the Secretary of State's office at least 10 days before publication in the MAR. See ARM 1.2.419.

Link to text: A copy of the proposal notice was emailed to the Committee on August 28 and 30.

UPCOMING MAR Notice Number: 37-1029

Subject: Increase of Laboratory Fees

Date Notice Sent to Committee: August 29, 2023

Proposal Notice Publication Date: September 8, 2023

Public Hearing Date: September 28, 2023

Public Comment Due Date: October 6, 2023

Possible Adoption and Effective Dates:¹ The agency can adopt the rule after October 8, 2023.

Notice of adoption for rule must be published before March 8, 2023.

Link to text: A copy of the proposal notice was emailed to the Committee on August 28 and 30.

MAR Notice Number: 37-1033

Subject: Chemical dependency programs and Medicaid mental health services

Date Notice Sent to Committee: July 11, 2023

Proposal Notice Publication Date: July 21, 2023

Public Hearing Date: August 11, 2023

Public Comment Due Date: August 18, 2023

Possible Adoption and Effective Dates:¹ The agency can adopt the rule after August 20, 2023.

Notice of adoption for the rule must be published before January 21, 2024.

Link to text: The proposal notice is available [here](#). The updated Behavioral Health and Developmental Disabilities (BHDD) manual is available [here](#).

MAR Notice Number: 37-1035

Subject: Medicaid Home and Community Based Services Program

Date Notice Sent to the Committee: June 27, 2023

Proposal Notice Publication Date: July 7, 2023

Public Hearing Date: July 27, 2023

Public Comment Due Date: August 4, 2023.

Possible Adoption and Effective Dates:¹ The agency can adopt the rule after August 6, 2023.

Notice of adoption for the rule must be published before January 7, 2024.

Link: The proposed notice is available [here](#).

RECENT AND UPCOMING ADOPTION NOTICES

UPCOMING MAR Notice Number: 37-1017

Subject: Emergency Medical Services

Date Notice Sent to the Committee: June 27, 2023

Proposal Notice Publication Date: July 7, 2023

Public Hearing Date: July 31, 2023

Public Comment Due Date: August 4, 2023.

Adoption Notice Provided to SOS: August 29, 2023

Adoption Notice Publication Date: September 8, 2023

Link: The proposal notice is available [here](#). The proposed Emergency Medical Services Appendix is available [here](#). A copy of the adoption notice was emailed to the Committee on August 28 and 30.

MAR Notice Number: 37-1028

Subject: Applied Behavior Analysis Services

Proposal Notice Publication Date: May 26, 2023

Public Hearing Date: June 15, 2023

Public Comment Due Date: June 23, 2023

Adoption Notice Provided to SOS: August 15, 2023

Adoption Notice Publication Date: August 25, 2023

Link to text: The proposal notice is available [here](#). The Applied Behavior Analysis (ABA) Manual adopted by reference is available [here](#). The adoption notice is available [here](#).

UPCOMING MAR Notice Number: 37-1036

Subject: Developmental Disabilities Program Reimbursement for Services

Date Notice Sent to Committee: July 11, 2023

Proposal Notice Publication Date: July 21, 2023

Public Hearing Date: August 10, 2023

Public Comment Due Date: August 18, 2023

Adoption Notice Provided to SOS: August 29, 2023

Adoption Notice Publication Date: September 8, 2023

Link to Text: The proposal notice is available [here](#). The Developmental Disabilities Program Services Manual is available [here](#). A copy of the adoption notice was emailed to the Committee on August 28 and 30.

UPCOMING MAR Notice Number: 37-1037

Subject: Updating Medicaid and Non-Medicaid Provider rates, fee schedules, and effective dates

Date Notice Sent to the Committee: June 27, 2023

Proposal Notice Publication Date: July 7, 2023

Public Hearing Date: July 27, 2023

Public Comment Due Date: August 4, 2023

Adoption Notice Provided to SOS: August 29, 2023

Adoption Notice Publication Date: September 8, 2023

Link: The proposed notice is available [here](#). Proposed fee schedules are available [here](#). A copy of the adoption notice was emailed to the Committee on August 28 and 30.

UPCOMING MAR Notice Number: 37-1038

Subject: Nursing Facility Reimbursement

Date Notice Sent to the Committee: June 27, 2023

Proposal Notice Publication Date: July 7, 2023

Public Hearing Date: July 31, 2023

Public Comment Due Date: August 4, 2023

Adoption Notice Provided to SOS: August 29, 2023

Adoption Notice Publication Date: September 8, 2023

Link: The proposed notice is available [here](#). Proposed fee schedules are available [here](#). A copy of the adoption notice was emailed to the Committee on August 28 and 30.