

TO: Children, Families, Health, and Human Services Interim Committee  
Legislative Finance Committee  
Budget Committee

FROM: Mike Randol, Medicaid Director

DATE: June 29, 2023

SUBJECT: Medicaid Change Reporting – June 2023

**Purpose:**

This memo is to complete the requirements set forth in 53-6-101 (12)(a) by reporting changes to provider rates, Montana Medicaid waivers, and/or the Montana Medicaid State Plan to the Children, Families, Health, and Human Services Interim Committee, the Legislative Finance Committee, and the Health and Human Services Interim Budget Committee.

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## Provider Rate Changes

The Department of Public Health and Human Services (DPHHS) is enacting the following rate changes for Medicaid covered services delivered by Medicaid enrolled providers to Medicaid enrollees.

N/A

## Provider Participation Changes

### Recovery Audit Contractor (RAC)

During the 2017 legislative session, Montana enacted Montana Code Annotated 53-6-1402, which adjusts the Medicaid review time frame from a four-year lookback, excluding the current year, to a six-month data review within a three-year lookback for an initial audit. Due to this restriction, DPHHS received no bids on the released RAC Request for Proposals. The Department requested, and CMS approved, a two-year waiver from CMS for 42 CFR 455.502, through April 30, 2023. Effective April 1, 2023, Montana is seeking a renewal of the exemption for an additional two-year period through April 30, 2025.

The proposed RAC exemption will have no fiscal impact.

### Home Health

Effective May 12, 2023, DPHHS proposes to amend the state's Home Health State Plan to include the following changes:

1. Patients may now be under the care of a nurse practitioner, clinical nurse specialist, or a physician assistant, who are now able to order home health services and are allowed to establish and periodically review a plan of care for home health services;
2. Non-physician practitioners are allowed to order medical equipment, supplies and appliances, home health nursing and aide services, and physical, occupational, and speech therapies in accordance with state scope of practice laws; and
3. Home health services may be provided through telehealth.

The proposed Home Health changes will have no fiscal impact.

### Community First Choice

Effective May 12, 2023, DPHHS proposes to amend the state's Community First Choice (CFC) State Plan to include the following changes:

1. Make the use of Legally Responsible Individuals, for CFC, a permanent flexibility for members who require extraordinary care. Extraordinary care means care exceeding the range of activities that a legally responsible individual would ordinarily perform in the household on



## 5. Montana Assertive Community Treatment (MACT)

Face-to-face service delivery is preferred. Telehealth may be substituted if clinically indicated or if the member does not have access to face-to-face services. Case notes must include reason, including documentation of attempts to identify local supports, if related to access.

Additionally, the Other Rehabilitative Services State Plan will be amended to give all MACT and PACT teams up to 120 days to fill vacant positions. If vacancies persist beyond 120 days, teams will be expected to work monthly with DPHHS on a plan to meet staffing requirements.

The proposed Other Rehabilitative Services changes will have no fiscal impact.

[Home and Community Based 1915\(c\) Severe Disabling and Mental Illness \(SDMI\) Waiver](#)  
Effective October 1, 2023, DPHHS proposes to amend the SDMI Waiver to add conflict-free case management criteria to the base waiver to ensure there is no conflict between AWARE, Inc., case management and AWARE, Inc., SDMI waiver services. AWARE, Inc., is the SDMI Waiver's contractor who provides case management services.

The proposed SDMI Waiver benefit changes will have no fiscal impact.

## Eligibility Changes

N/A

## Benefit Plan Changes

[Home and Community Based 1915\(c\) Severe Disabling and Mental Illness \(SDMI\) Waiver](#)  
Effective October 1, 2023, DPHHS proposes to amend the SDMI Waiver to add:

1. A self-direct service option to Behavioral Intervention Assistant and Life Coach.
2. Financial Management Services and Individual Directed Goods and Services (IDGS) to increase self-directed provider options.

The total estimated annual fiscal impact of the proposed SMDI Waiver benefit changes is \$84,825.