

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES
OF THE STATE OF MONTANA

In the matter of the adoption of New) NOTICE OF PUBLIC HEARING ON
Rule I pertaining to Autism Grant) PROPOSED ADOPTION
Program)
)

TO: All Concerned Persons

1. On February 1, 2024, at 10:00 a.m., the Department of Public Health and Human Services will hold a public hearing via remote conferencing to consider the proposed adoption of the above-stated rule. Interested parties may access the remote conferencing platform in the following ways:

(a) Join Zoom Meeting at: <https://mt-gov.zoom.us/j/81919672965?pwd=VkJSVytxcFIVbTVrcThXbk1YRkRUZz09>, meeting ID: 819 1967 2965, and password: 556007; or

(b) Dial by telephone: +1 646 558 8656, meeting ID: 819 1967 2965, and password: 556007. Find your local number: <https://mt-gov.zoom.us/u/kclJ7Lk6L>.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on January 18, 2024, to advise us of the nature of the accommodation that you need. Please contact Bailey Yuhas, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail hhsadminrules@mt.gov.

3. The rule as proposed to be adopted provides as follows:

NEW RULE I: INCORPORATION BY REFERENCE OF RULES FOR THE SUBMISSION AND REVIEW OF APPLICATIONS FOR THE AUTISM FACILITIES GRANT (1) The Department of Public Health and Human Services adopts and incorporates by reference the Autism Facilities Grant Manual for the 2025 Biennium.

(2) The rules incorporated by reference in (1) relate to the following:

(a) eligible applicants and projects;

(b) general requirements for applying for the Autism Facilities Grant;

(c) application review process; and

(d) administrative procedures and requirements.

(3) Copies of the regulations adopted by reference in (1) may be obtained from the Department of Public Health and Human Services, Developmental Disabilities Program, or on the web site at <https://dphhs.mt.gov/BHDD/DisabilityServices/developmentaldisabilities/>.

AUTH: [House Bill 952, Section 1], [House Bill 952, Section 2]

IMP: [House Bill 952, Section 1], [House Bill 952, Section 2]

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (Department) is proposing to adopt a rule, effective March 9, 2024, for the administration of house bill (HB) 952, pertaining to the Autism Facilities Grant Program.

New Rule I adopts and incorporates into rule an Autism Facilities Grant Program manual drafted by the Developmental Disabilities Program (DDP) which includes instructions on the application process, timeframe for construction/renovation, and other eligibility criteria for the grant.

This rule is necessary because the Developmental Disabilities Program does not have any rules for the administration of this grant.

Fiscal Impact

House Bill 952 appropriates a onetime allotment of \$400,000 for the biennium beginning July 1, 2023.

5. The Department intends for the effective date of this rule to be March 9, 2024.

6. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Bailey Yuhas, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail hhsadminrules@mt.gov, and must be received no later than 5:00 p.m., February 9, 2024.

7. The Office of Legal Affairs, Department of Public Health and Human Services, has been designated to preside over and conduct this hearing.

8. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 6 above.

9. An electronic copy of this notice is available on the department's web site at <https://dphhs.mt.gov/LegalResources/administrativerules>, or through the Secretary of State's web site at <http://sos.mt.gov/ARM/register>.

10. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was notified virtually on August 15.

11. With regard to the requirements of 2-4-111, MCA, the department has determined that the adoption of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Paula M. Stannard
Paula M. Stannard
Rule Reviewer

/s/ Charles T. Brereton
Charles T. Brereton, Director
Department of Public Health and Human
Services

Certified to the Secretary of State January 2, 2024.