

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

In the matter of the adoption of New)
Rule I pertaining to rural emergency)
hospitals)
)

NOTICE OF PUBLIC HEARING ON
PROPOSED ADOPTION

TO: All Concerned Persons

1. On March 19, 2024, at 11:00 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 rules. Interested parties may access the remote conferencing platform in the following ways:

(a) Join Zoom Meeting at: <https://mt-gov.zoom.us/j/88477817370?pwd=YW5ZYjFvcIMrMHFQVzI2dHBRZUFxQT09>, meeting ID: 884 7781 7370, and password: 267843; or

(b) Dial by telephone: +1 646 558 8656, meeting ID: 884 7781 7370, and password: 267843. Find your local number: <https://mt-gov.zoom.us/u/kmHQBqall>.

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 March 5, 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: MINIMUM STANDARDS FOR RURAL EMERGENCY HOSPITALS (1) A Rural Emergency Hospital shall comply with the Conditions of Participation for Rural Emergency Hospitals as set forth in 42 CFR Part 485 Subpart E in effect as of January 1, 2024. A copy of the cited requirements may be obtained from the Department of Public Health and Human Services, Office of Inspector General, 2401 Colonial Drive, P.O. Box 202953, Helena, MT 59620-2953.

AUTH: 50-5-234, MCA
IMP: 50-5-234, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) is proposing to adopt New Rule I.

MAR Notice No. 37-1047

The 2023 legislature enacted House Bill No. 312, an act providing for designation of Rural Emergency Hospitals. The bill was signed by the Governor on May 18, 2023. The department proposes to adopt New Rule I. Adoption of this New Rule is necessary to provide reference to the Code of Federal Regulation (CFR) for compliance for licensure as an REH in the State of Montana.

New Rule I

The department proposes to adopt this new rule to provide reference to the CFR requirements for Rural Emergency Hospitals in effect as of January 1, 2024. Compliance with such CFR requirements will determine compliance for state licensure.

Fiscal Impact

This proposed rule adoption has no anticipated fiscal impact.

5. The department intends for these rule amendments to be retroactively effective October 1, 2023.

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., March 22, 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 by email on September 5, 2023.

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/ Flint Murfitt
Flint Murfitt
Rule Reviewer

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

Certified to the Secretary of State February 13, 2024.