

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

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 37.85.406, 37.86.2803,)
37.86.2806, 37.86.2907, 37.86.2916,)
37.86.4401, and 37.86.4412)
pertaining to hospital reimbursement)
and FQHC and RHC definitions)

TO: All Concerned Persons

1. On July 22, 2016, the Department of Public Health and Human Services published MAR Notice No. 37-765 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 1234 of the 2016 Montana Administrative Register, Issue Number 14.

2. The department has amended the following rules as proposed: ARM 37.85.406, 37.86.2803, 37.86.2806, 37.86.2907, 37.86.2916, and 37.86.4401.

3. The department has amended the following rule as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

37.86.4412 RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS, REIMBURSEMENT (1) through (6) remain as proposed.

(7) Approved RHC and FQHC ~~group~~ and education health service(s) payments will be reimbursed separately from their prospective payment at a rate determined by the department. The fee schedule is adopted and effective as provided at ARM 37.85.105.

AUTH: 53-2-201, 53-6-113, MCA
IMP: 53-6-101, 53-6-111, 53-6-113, MCA

4. The department has thoroughly considered the comments and testimony received. A summary of the comments received and the department's responses are as follows:

COMMENT #1: One comment was received requesting clarification if dentists and dental hygienists are included in the definition of health professionals.

RESPONSE #1: Currently the Centers for Medicare and Medicaid (CMS) allows billable services to be furnished by the following providers: physicians, which includes dentists, nurse practitioners (NP), physician assistants (PA), certified nurse-midwives (CNM), clinical psychologists (CP), and clinical social workers (CSW).

Montana Medicaid has expanded the definition to include licensed professional counselors (LCPC) and licensed addiction counselors (LAC).

Dental hygienists are not considered a core provider and they can only bill for the services if the dentist sees them face-to-face during the visit.

COMMENT #2: A comment was made that after the initial MAR Notice No. 37-765 was published, the department recognized that services provided by core providers can be offered in a group session.

RESPONSE #2: Therefore, the facility prospective payment system (PPS) rate will be reimbursed for group sessions provided by a core provider. In addition, the department will allow FQHCs and RHCs to submit a change in scope of service to allow services furnished by Licensed Addiction Counselors (LACs) to be effective as of July 1, 2016.

5. These rule amendments are effective October 1, 2016.

/s/ Brenda K. Elias
Brenda K. Elias, Attorney
Rule Reviewer

/s/ Richard H. Opper
Richard H. Opper, Director
Public Health and Human Services

Certified to the Secretary of State September 12, 2016.