

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

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 37.86.104 pertaining to) PROPOSED AMENDMENT
physician-related services manual)

TO: All Concerned Persons

1. On November 29, 2017, at 1:30 p.m., the Department of Public Health and Human Service will hold a public hearing in Room 207 of the Department of Public Health and Human Services Building, 111 North Sanders, Helena, Montana, to consider the proposed amendment of the above-stated rule.

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 November 13, 2017, to advise us of the nature of the accommodation that you need. Please contact Kenneth Mordan, 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 dphhslegal@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

37.86.104 PHYSICIAN SERVICES, REQUIREMENTS (1) through (11) remain the same.

(12) The department adopts and incorporates by reference the Physician-Related Services Manual governing the administration of the Physician program dated ~~November 1, 2016~~ December 1, 2017. The Physician-Related Services Manual is available for public viewing at the Department of Public Health and Human Services, Health Resources Division, 1400 Broadway, P.O. Box 202951, Helena, MT 59620-2951 and at the department's web site at <http://medicaidprovider.mt.gov>.

AUTH: 53-2-201, 53-6-113, MCA

IMP: 53-2-201, 53-6-101, 53-6-111, 53-6-113, 53-6-141, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) is proposing to amend ARM 37.86.104 to adopt the recent update to the Physician-Related Services Manual, dated December 26, 2017 (Manual). The department updated the Manual to comply with standards set by Section 508 of the Rehabilitation Act of 1973, which requires certain governmental entities to provide software and website accessibility

to people with disabilities. To that end, the department made more than 7,500 formatting and editing changes to the proposed Manual, which is accessed through the department's website described in (12) of the rule. In addition, the department added to the Manual sections for mobile imaging and direct-entry midwife, which are new provider types, which the department adopted in MAR Notice Nos. 37-777 and 37-794, respectively. The new Manual also includes updates to the claim processing procedures to reflect current practice.

5. 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: Kenneth Mordan, 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 dphhslegal@mt.gov, and must be received no later than 5:00 p.m., December 7, 2017.

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

7. 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 5 above or may be made by completing a request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

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

10. The department has determined that the proposed amendment is not appropriate for performance-based measurement and therefore is not subject to the requirement of 53-6-196, MCA.

11. The proposed amendment will not change a monetary amount a person shall pay or will receive, and therefore 2-4-302(1)(c), MCA, is not applicable. Also, the department has determined the proposed amendment will not affect the state general fund or state revenue.

12. The department intends to apply this rule amendment retroactively to December 1, 2017. A retroactive application of the proposed rule amendment does not result in a negative impact to any affected party.

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

/s/ Sheila Hogan
Sheila Hogan, Director
Public Health and Human Services

Certified to the Secretary of State October 30, 2017.