

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

In the matter of the amendment of) NOTICE OF PROPOSED
ARM 37.36.604 pertaining to) AMENDMENT
updating the federal poverty index)
guidelines for the Montana)
telecommunications access program) NO PUBLIC HEARING
(MTAP)) CONTEMPLATED

TO: All Concerned Persons

1. The Department of Public Health and Human Services proposes to amend 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 on May 20, 2019, to advise us of the nature of the accommodation that you need. Please contact Gwen Knight, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena MT 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:

37.36.604 FINANCIAL ELIGIBILITY CRITERIA (1) Individuals whose annual family income during the 12 months immediately preceding the month of application is less than 250% of the ~~2018~~ 2019 poverty guidelines published by the U.S. Department of Health and Human Services (HHS) are eligible for a loan of specialized telecommunications equipment based on income. 250% of the HHS ~~2018~~ 2019 annual poverty guidelines for families of various sizes is shown in (2).

(2) 250% of the annual poverty guidelines is as follows:

FAMILY SIZE	250% OF ANNUAL POVERTY GUIDELINE
One	\$30,350 <u>\$31,225</u>
Two	\$41,150 <u>\$42,275</u>
Three	\$51,950 <u>\$53,325</u>
Four	\$62,750 <u>\$64,375</u>
Five	\$73,550 <u>\$75,425</u>

Six	\$84,350 <u>\$86,475</u>
Seven	\$95,150 <u>\$97,525</u>
Eight	\$105,950 <u>\$108,575</u>
Each Additional Person, Add	\$10,450 <u>\$11,050</u>

(3) remains the same.

AUTH: 53-19-305, 53-19-307, MCA

IMP: 53-19-305, 53-19-307, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) is proposing to amend ARM 37.36.604. This rule sets the criteria that allows the department to pay for services provided to persons who are eligible for Montana Telecommunications Access Program (MTAP) services. The rule provides that the payment for services by the department may occur if the consumer's income and financial resources do not exceed maximum levels for income and resources established through the rule.

This rule amendment revises the maximum level of allowable income. Currently the rule provides that the maximum level is 250% of the 2018 United States Department of Health and Human Services federal poverty guidelines (FPL) for households. The rule amendment will revise this level by replacing the year 2018 guidelines with 2019 guidelines.

Fiscal Impact

There is no fiscal impact due to the increase in the Federal Poverty Index level (FPL). A minimal number of clients served by MTAP exceed the FPL, and the majority are well under the FPL. An increase in the FPL would not yield any additional costs to MTAP.

5. The department intends to apply these rule amendments retroactively to February 1, 2019. A retroactive application of the proposed rule amendments does not result in a negative impact to any affected party.

6. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Gwen Knight, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena MT 59604-4210, no later than 5:00 p.m. on June 7, 2019. Comments may also be faxed to (406) 444-9744 or e-mailed to dphhslegal@mt.gov.

7. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written

comments to Gwen Knight at the above address no later than 5:00 p.m., June 7, 2019.

8. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 161 persons based on 1,609 with an open case currently being served by the program.

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

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

11. 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.

/s/ Nicholas Domitrovich
Nicholas Domitrovich
Rule Reviewer

/s/ Laura Smith, Deputy Director
for Sheila Hogan, Director
Public Health and Human Services

Certified to the Secretary of State April 30, 2019.