

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 37.34.3005 pertaining to)
migrating billing to Medicaid)
Management Information System)
(MMIS))

TO: All Concerned Persons

1. On June 7, 2019, the Department of Public Health and Human Services published MAR Notice No. 37-886 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 723 of the 2019 Montana Administrative Register, Issue Number 11.

2. The department has amended the above-stated rule as proposed.

3. 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: A commenter expressed confusion about how the .91% rate increase was calculated and what the total projected spending in the 0208 Waiver is projected to be for the coming fiscal year.

RESPONSE #1: The department appreciates the commenter's question. The department incorrectly identified the state general fund dollars in the fiscal impact section of the proposed rule. The total provider rate increases are estimated to cost \$1,654,209 in state general fund dollars and \$3,041,996 in federal dollars. The fiscal impact was calculated by multiplying the total cost plan amounts for impacted services by .91%. The total projected spending in the 0208 Waiver was not utilized to calculate the estimated fiscal impact of this rule change as it contains items that are not impacted by provider rate increases such as individual goods and services.

COMMENT #2: A commenter asked how the Federal Medical Assistance Percentages (FMAP) in the proposed rule is higher than Montana's FMAP.

RESPONSE #2: The discrepancy in the FMAP is the result of the miscalculation noted in Response #1.

COMMENT #3: A commenter asked how the 3.46% weighted average as published in the proposed changes to the DDP Services Manual were determined. Further the commenter expressed concern that physiological, therapy, and nutrition services received the highest percentage increase.

RESPONSE #3: The Developmental Disabilities Program does not price the extended state plan rates for RN, LPN, Psychological Services, Nutritionist, Speech Therapy, PT, or OT. We use established RBRVS rates for these services. These rates were not included in averaging.

The .91% appropriation was applied across-the-board to existing rates for applicable services. The \$3.4 million was allocated by applying an equal wage increase to each applicable rate. Based on the allocation available, the Developmental Disabilities Program determined that a \$.27 increase could be applied within the available appropriation. For services that are not calculated that way, an additional average percent of 2.5% was used to increase those rates (self-direct services, transportation, remote monitoring).

COMMENT #4: A commenter requested a 3.46% increase for each waiver service.

RESPONSE #4: Please see Response #3 for details on how the funds were allocated. House Bill 2 did not indicate how the additional \$3.4 million should be allocated. Based on provider feedback during the last two sessions about employee wages, the department chose to apply the additional funds to the wage component of the rate.

COMMENT #5: A commenter asked how providers can track the additional 100 slots in the 0208 Waiver.

RESPONSE #5: The department believes this question is outside the scope of MAR Notice No. 37-886.

4. Effective June 30, 2019, the department terminated the Montana Developmental Disabilities Program Manual of Service Rates and Procedures for Reimbursement for Home and Community-Based Services (HCBS) 1915c 0208 and Waiver Program, and will reference the Montana Developmental Disabilities Program Services Manual, effective July 1, 2019.

/s/ Jennifer C. Kaleczyc
Jennifer C. Kaleczyc
Rule Reviewer

/s/ Marie Matthews, for
Sheila Hogan, Director
Public Health and Human Services

Certified to the Secretary of State July 30, 2019.