

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 37.86.3607 pertaining to an)
increase in rates and billing practices)

TO: All Concerned Persons

1. On February 14, 2020, the Department of Public Health and Human Services published MAR Notice No. 37-910 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 310 of the 2020 Montana Administrative Register, Issue Number 3.

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: One commenter asked if the department awarded different contracts for the five regional RFPs, would there be less economies of scale and increased administrative costs by the state and contractors to administer multiple contracts.

RESPONSE #1: The department believes this question is outside the scope of this rulemaking notice.

COMMENT #2: One commenter asked if there is sufficient funding for Developmental Disabilities Targeted Case Management (DD TCM) for five different contractors, one per region, even though the DD TCM system has \$1.0 million less funding per year as compared to Fiscal Year 2017.

RESPONSE #2: The funding increase from House Bill (HB) 680 from the 2019 Legislature is a two-year additional funding source to the HB 2 appropriation, which then goes into the base thereafter. The department feels there is sufficient funding.

4. The department intends to apply these rules retroactively to March 1, 2020. A retroactive application of the proposed rules does not result in a negative impact to any affected party.

/s/ Nicholas Domitrovich
Nicholas Domitrovich
Rule Reviewer

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

Certified to the Secretary of State March 17, 2020.