

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

TO: All Concerned Persons

1. On March 5, 2020, at 10:00 a.m., the Department of Public Health and Human Services will hold a public hearing in the auditorium 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 February 28, 2020, to advise us of the nature of the accommodation that you need. Please contact Heidi Clark, 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:

37.86.3607 CASE MANAGEMENT SERVICES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES, REIMBURSEMENT (1) Reimbursement for the delivery by provider entities of Medicaid funded targeted case management services to persons with developmental disabilities is provided as specified in the Montana Developmental Disabilities Program Manual of Service Reimbursement Rates and Procedures for ~~Developmental Disabilities Case Management Services for Persons with Developmental Disabilities Who Are 16 Years of Age or Older or Who Reside in a Children's Community Home, dated January 1, 2018~~ Targeted Case Management Services for Individuals with Developmental Disabilities Enrolled in the 1915(c) 0208 Home and Community Based (HCBS) Comprehensive Waiver or Eligible Individuals Age 16 and Over, dated March 1, 2020.

(2) The department adopts and incorporates by this reference the Montana Developmental Disabilities Program Manual of Service Reimbursement Rates and Procedures for ~~Developmental Disabilities Case Management Services for Persons with Developmental Disabilities Who Are 16 Years of Age or Older or Who Reside in a Children's Community Home, dated January 1, 2018~~ Targeted Case Management Services for Individuals with Developmental Disabilities Enrolled in the 1915(c) 0208 Home and Community Based (HCBS) Comprehensive Waiver or Eligible Individuals Age 16 and Over, dated March 1, 2020. A copy of the manual may be obtained

through the Department of Public Health and Human Services, Developmental Services Division, Developmental Disabilities Program, 111 N. Sanders, P.O. Box 4210, Helena, MT 59604-4210 and at <http://dphhs.mt.gov/dsd/developmentaldisabilities/DDPratesinf>.

AUTH: 53-6-113, MCA

IMP: 53-6-101, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) is proposing to amend ARM 37.86.3607 which pertains to updated Targeted Case Management Services for Individuals with Developmental Disabilities (TCM-DD) Enrolled in the 1915(c) 0208 Home and Community Based (HCBS) Comprehensive Waiver or Eligible Individuals Age 16 and Over, dated March 1, 2020. The proposed change would accomplish three objectives: require that targeted case management (TCM) services be delivered in regions specified in the provider contract rather than statewide; enact House Bill (HB) 680 from the 2019 legislature; and add specific requirements to bill for case management services.

DPHHS changed from a statewide delivery model to a regional contract model for delivery of TCM-DD services. Theoretically, more providers may be able to bid on regional contracts than a statewide contract, resulting in a higher level of service throughout the state. The proposed manual update reflects that change.

The 2019 legislature enacted HB 680, which requires that a contract for case management services targeted for people with developmental disabilities must include funding to allow for an average caseload of no more than 35 clients per case manager. To do so, the monthly rate for TCM-DD services would be increased to \$134.82 per member per month. This amount is calculated to provide for an average caseload of no more than 35 clients per case manager.

In addition, the proposed change would only allow payment for TCM when at least one of four billable TCM-DD services is provided in a month: performing a member's assessment or reassessment; plan of care development or revision; referral activities; or monitoring and follow-up activities.

This proposed change helps ensure members receive ongoing, active, quality services as part of their TCM.

Fiscal Impact

The department estimates that the proposed amendment would cost approximately \$1,427,348, in Fiscal Year (FY) 2020 and \$1,419,648, in FY 2021. Up to 5 contracted providers and approximately 2,400 members receiving contracted TCM would be affected.

The proposed rule amendment adopts and incorporates an updated manual, which would have an effective date retroactive to March 1, 2020.

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: Heidi Clark, 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., March 13, 2020.

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, apply and have been fulfilled. The primary bill sponsor was notified by email on February 4, 2020.

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.

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

/s/ Erica Johnston for Sheila Hogan
Sheila Hogan, Director
Public Health and Human Services

Certified to the Secretary of State February 4, 2020.