

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 37.82.402 pertaining to) PROPOSED AMENDMENT
residency)

TO: All Concerned Persons

1. On April 16, 2020, at 11:00 a.m., the Department of Public Health and Human Services will hold a public hearing via remote conferencing to consider the proposed amendment of the above-stated rule. Because there currently exists a state of emergency in Montana due to the public health crisis caused by the coronavirus, there will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

- (a) Join Zoom Meeting <https://mt-gov.zoom.us/j/581563020>, meeting ID: 581 563 020;
- (b) Dial by telephone +1 406 444 9999 or +1 646 558 8656, meeting ID: 581 563 020, find your local number: <https://mt-gov.zoom.us/j/581563020>;
- (c) Join by SIP 581563020@zoomcrc.com;
- (d) Join by H.323 (Polycom) 162.255.37.11##581563020; or
- (e) Join by Skype for Business <https://mt-gov.zoom.us/skype/581563020>.

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 April 10, 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 proposed to be amended provides as follows, new matter underlined:

37.82.402 RESIDENCY (1) remains the same.

(2) Medicaid will be provided to otherwise eligible residents of Montana. The documents used to verify that an applicant is a resident of this state include, but are not limited to, electronic data sources permitted by federal and state law, driver's license, state identification card, mortgage or rental agreement, post office records, utility bill, and wage stub.

(a) through (3) remain the same.

AUTH: 53-6-113, MCA
IMP: 53-6-131, 53-6-133, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) proposes to amend ARM 37.82.402 relating to State of Montana residency for Medicaid applicants.

The reasonable necessity for proposing the rule amendment is because Section 27 of House Bill 658, passed by the 2019 Legislature, requires the department to establish by rule the documents to be used to verify that an applicant for Montana Medicaid is a resident of this state. This rule notice proposes to verify an applicant's Montana residency using generally accepted documents that demonstrate an individual's intent to remain in the state permanently or for an indefinite time.

Fiscal Impact

This proposed rule amendment has an administrative cost of \$0.00 in state fiscal year (SFY) 2020 and \$0.00 in SFY 2021. In addition, the proposed changes will result in a projected cost savings of \$0.00.

The department intends to apply these proposed rule amendments to be effective April 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., April 24, 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 March 18, 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.

10. Section 53-6-196, MCA, requires that the department, when adopting by rule proposed changes in the delivery of services funded with Medicaid monies, make a determination of whether the principal reasons and rationale for the rule can be assessed by performance-based measures and, if the requirement is applicable, the method of such measurement. The statute provides that the requirement is not applicable if the rule is for the implementation of rate increases or of federal law.

The department has determined that the proposed program changes presented in this notice are not appropriate for performance-based measurement and therefore are not subject to the performance-based measures requirement of 53-6-196, MCA.

/s/ Nicholas Domitrovich for
Brenda K. Elias
Rule Reviewer

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

Certified to the Secretary of State March 17, 2020.