

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 37.79.326 pertaining to Healthy) PROPOSED AMENDMENT
Montana Kids dental benefits)

TO: All Concerned Persons

1. On July 16, 2020, at 11 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 at: <https://mt-gov.zoom.us/j/98921624846>, meeting ID: 989 2162 4846;
- (b) Dial by telephone +1 406 444 9999 or +1 646 558 8656, meeting ID: 989 2162 4846; find your local number: <https://mt-gov.zoom.us/u/acR0xTOq9A>; or
- (c) Join by Skype for Business <https://mt-gov.zoom.us/skype/98921624846>.

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 July 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 as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

37.79.326 DENTAL BENEFITS (1) remains the same.

(2) Providers must bill for services using the procedure codes and modifiers set forth, and according to the definitions contained in the American Dental Association Manual of Current Dental Terminology (CDT ~~2019~~ 2020).

(3) Effective ~~July 1, 2019~~ July 1, 2020, only the dental procedures listed at <http://dphhs.mt.gov/hmk.aspx> are benefits of the HMK coverage group Dental Program.

(4) through (6) remain the same.

AUTH: 53-4-1004, 53-4-1005, 53-4-1009, 53-4-1105, MCA

IMP: 53-4-1003, 53-4-1004, 53-4-1005, 53-4-1009, 53-4-1104, 53-4-1105, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) is proposing to amend ARM 37.79.326 pertaining to Healthy Montana Kids dental benefits.

Healthy Montana Kids (HMK) Children's Health Insurance Program (CHIP) continues to follow the State of Montana Employee Dental Benefit as a benchmark for the HMK dental benefit as stated in the Centers for Medicare and Medicaid Services (CMS) approved CHIP State Plan. The department proposes to update dental procedure codes to reflect changes in the state employee benchmark plan, which will ensure the HMK plan stays current with the benchmark plan. The proposed changes will incorporate new procedure code updates, code additions and deletions, and changes to existing code descriptions. These updates are reflected in the 2020 American Dental Association Manual of Current Dental Terminology (CDT), which is incorporated by reference in the rule. The rule amendment also incorporates changes to the list of dental procedures published on the department website, posted as effective July 1, 2020.

Fiscal Impact

This proposed rule amendment will not result in an impact to the general fund or affect federal funding.

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., July 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, do not apply.

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/ Brenda K. Elias
Brenda K. Elias
Rule Reviewer

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

Certified to the Secretary of State June 16, 2020.