

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 37.27.902, 37.85.105, and )  
37.88.101 pertaining to Medicaid )  
rates and services )

TO: All Concerned Persons

1. On August 7, 2020, the Department of Public Health and Human Services published MAR Notice No. 37-925 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 1476 of the 2020 Montana Administrative Register, Issue Number 15.

2. The department has amended the above-stated rules 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: Multiple commenters expressed support of the department decision to add Transcranial Magnetic Stimulation (TMS) services to services available to treat major depressive disorder. The commenters were primarily psychiatrists, although an advocacy organization also weighed in. Several commenters cited various studies in which TMS has been an effective intervention for treatment-resistant depression making it a necessary strategy for suicide prevention. Psychiatrists remarked that TMS is less invasive than other non-traditional treatments, such as electroconvulsive therapy, due to its minimal side effects and long-term results. Various statements were also made by commenters acknowledging the department's dedication to serving members and that the addition of services such as TMS displays good stewardship of public funds.

RESPONSE #1: The department appreciates these comments and is committed to continuing to expand mental health services for Montana Healthcare Programs members.

COMMENT #2: A commenter asked about the rate for TMS.

RESPONSE #2: Pursuant to ARM 37.85.105(2)(e), the rate for TMS is the payment-to-charge ratio of a provider's usual and customary charges. Effective July 1, 2020, the payment-to-charge ratio is 45.2%. This payment methodology is commonly used with new services. The department will update the fee schedule to more clearly reflect this payment methodology.

4. These rule amendments are effective October 1, 2020.

/s/ Brenda K. Elias  
Brenda K. Elias  
Rule Reviewer

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

Certified to the Secretary of State September 15, 2020.