



**MONTANA
ADMINISTRATIVE
REGISTER**



DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-276.2

Summary

Amendment of ARM 37.34.1902, 37.34.1918, and 37.34.1930 pertaining to Applied Behavior Analysis Services

Previous Notice(s) and Hearing Information

On April 25, 2025, the Department of Public Health and Human Services published MAR Notice No. 2025-276.1 pertaining to the public hearing on the proposed amendment of the above-stated rules in the 2025 Montana Administrative Register, Issue Number 8.

A hearing was held on May 15, 2025.

Final Rulemaking Action – The department intends for these rule amendments to be retroactively effective to March 1, 2025.

AMEND AS PROPOSED

The agency has amended the following rules as proposed:

37.34.1902 DEFINITIONS

37.34.1918 SERVICE REQUIREMENTS

37.34.1930 PROVIDER REQUIREMENTS

Statement of Reasons

The agency has considered the comments and testimony received. A summary of the comments received, and the agency's responses are as follows:

COMMENT #1: Multiple commenters applauded the department's work on this set of rules.

RESPONSE #1: The department appreciates the commenters' support.

COMMENT #2: One commenter requests that the functional behavior assessment be a required document for Applied Behavior Analysis (ABA).

RESPONSE #2: The department appreciates the commenter's recommendation. The department is committed to preserving the scientific integrity and tools of behavioral analysis and acknowledges the integrity and professionalism of Board Certified Behavior Analyst professionals (BCBA) who direct the ABA services. However, this change would go beyond the intended scope of this rulemaking. The department will take this recommendation under advisement in future rulemakings.

COMMENT #3: One commenter requests that the ABA manual require authorization reviewers to be a BCBA with experience in ABA and treatment of Autism Spectrum Disorder to be consistent with the CASP Applied Behavior Analysis Treatment of Autism Spectrum Disorder: Practice Guidelines for Healthcare Funders, Regulatory Bodies, Service Providers, and Consumers recommendation.

RESPONSE #3: The department clarifies that ABA authorization requests are reviewed by a licensed BCBA and, in the case of the BCBA's absence, reviewers trained by a licensed BCBA. Consequently, the department determines that such a requirement is not necessary at this time.

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Rule Reviewer

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Approval

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