



MONTANA
ADMINISTRATIVE
REGISTER



DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-523.2

Summary

Amendment of ARM 37.34.912, 37.40.1407, and 37.90.408 and adoption of NEW RULE 1 pertaining to Home and Community-Based Services Program and Electronic Visit Verification Requirements

Previous Notice(s) and Hearing Information

On June 6, 2025, the Department of Public Health and Human Services published MAR Notice No. 2025-523.1 pertaining to the public hearing on the proposed amendment of the above-stated rules in the 2025 Montana Administrative Register, Issue Number 11.

A hearing was held on June 27, 2025.

Final Rulemaking Action – Effective November 22, 2025

ADOPT AS PROPOSED

The agency has adopted the following rule as proposed:

NEW RULE 1 (37.85.405) ELECTRONIC VISIT VERIFICATION REQUIREMENTS

AMEND AS PROPOSED

The agency has amended the following rules as proposed:

37.34.912 0208 MEDICAID HOME AND COMMUNITY-BASED SERVICES PROGRAM: PROVIDER REQUIREMENTS

37.40.1407 HOME AND COMMUNITY-BASED SERVICES FOR ELDERLY AND PHYSICALLY DISABLED PERSONS: GENERAL REQUIREMENTS

37.90.408 HOME AND COMMUNITY-BASED SERVICES FOR ADULTS WITH SEVERE AND DISABLING MENTAL ILLNESS: REIMBURSEMENT

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 reported that due to rigid clock-in and clock-out requirements, services they provide off-schedule go unrecorded and unpaid. The commenters indicated that because the nature of live-in caregiving is continuous, informal care provided throughout the day with rigid clock-in and clock-out procedures does not fit live-in caregiver services. For these reasons, these commenters requested that all live-in caregivers be exempted from EVV requirements.

RESPONSE #1: The department thanks the commenters for their recommendation. The department clarifies that providers can create a visit "on the fly" (at the time of service) and immediately begin providing care. If the provider forgets to log in before starting services, they can log in late. Clock-in/clock-out times can be adjusted through the provider portal if the provider is using the state's EVV system.

COMMENT #2: One commenter reported that per a recent SEIU 775 survey, 49% of respondents experienced EVV issues, with over 30% reporting issues such as poor connectivity in rural areas, task disruptions, and excessive time logging. For these reasons, this commenter requested that live-in caregivers be exempted from EVV requirements.

RESPONSE #2: The department thanks the commenter for this information and recommendation. The department clarifies that a provider can choose the Integrative Voice Response (IVR) option if the provider resides in a rural area without reliable internet or cellular service. Further details about this IVR option can be found at <https://mt.accessgov.com/dphhs/Forms/Page/evv/electronicvisitverification/1>.

COMMENT #3: One commenter reported that when she uses the EVV app, she is shorted \$150 to \$250 and requests that live-in caregivers be allowed to log their hours via the website.

RESPONSE #3: The department recommends that the commenter create a support ticket by calling (833) 483-5587.

Contact

Bailey Yuhas
(406) 329-7913
hhsadminrules@mt.gov
Fax: (406) 444-9744

Rule Reviewer

Olivia Schuler

Approval

Charles T. Brereton, Director
Department of Public Health and Human Services