



MONTANA
ADMINISTRATIVE
REGISTER



DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2026-210.1

Summary

Amendment of ARM 37.79.304 pertaining to HMK Evidence of Coverage update

Hearing Date and Time

Friday, May 15, 2026, at 10:00 a.m.

Virtual Hearing Information

Join Zoom Meeting: <https://mt-gov.zoom.us/j/83081588729?pwd=THeSI0tNSW80jLRtqWKZuZJgDIYF1q.1>

Meeting ID: 830 8158 8729 and Password: 368452

Dial by Telephone: +1 646 558 8656

Meeting ID: 830 8158 8729 and Password: 368452

Find your local number: <https://mt-gov.zoom.us/j/83081588729?pwd=THeSI0tNSW80jLRtqWKZuZJgDIYF1q.1>

Comments

Comments may be submitted using the contact information below. Comments must be received by Friday, May 22, 2026, at 5:00 p.m.

Accommodations

The agency 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. Requests must be made by Friday, May 1, 2026, at 5:00 p.m.

Contact

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Rulemaking Actions

AMEND

The rule proposed to be amended is as follows, stricken matter interlined, new matter underlined:

37.79.304 SERVICES COVERED

- (1) The department adopts and incorporates by reference the HMK Evidence of Coverage dated ~~January 1, 2024~~ October 1, 2025, which is available on the department's web site at www.hmk.mt.gov.
- (2) The HMK Evidence of Coverage describes the health care benefits available to an HMK coverage group enrollee if the service is medically necessary. Prior authorization may be required and copayments may apply.

Authorizing statute(s): 53-4-1009, 53-4-1105, MCA

Implementing statute(s): 53-4-1005, 53-4-1109, MCA

General Reasonable Necessity Statement

The Department of Public Health and Human Services (department) is proposing to amend ARM 37.79.304.

ARM 37.79.304 adopts the Healthy Montana Kids (HMK) Evidence of Coverage (EOC) document describing the HMK benefit plan. Any changes to the benefit plan require the EOC and the effective date of the rule to be updated.

The proposed changes to the EOC document are as follows:

- Add pre-release services to the benefit plan as required by the *Consolidated Appropriations Act*, Public Law No. 117-328, Section 5121, 136 Stat. 5941-5943 (2022)
- Remove the prior authorization requirement for Observation and Recovery Beds/Rooms
- Update the link to the Children’s Mental Health Bureau website, <https://dphhs.mt.gov/BHDD/cmb/>
- Update the link to the Provider Search function
- Update the link to the BHDD Manuals Page for mobile crisis services.
- Update the Mountain Pacific Quality Health contact information for DMEPOS services
- Make a variety of grammatical corrections to make the document clearer to readers

The department has posted a redlined version of the proposed EOC manual with the changes outlined above at <https://dphhs.mt.gov/HMK/>.

Small Business Impact

Pursuant to 2-4-111, MCA, the department has determined that there is no impact on small businesses. The department is not altering its reimbursement method for program benefits. The only change with fiscal impact is the addition of pre-release services for incarcerated youth, a service currently limited to Department of Corrections facilities, which are not considered small businesses under 2-4-102, MCA.

Fiscal Impact

The department has determined the fiscal impact to be \$1,400 per year to add pre-release services for incarcerated youth.

Effective Date

The department intends to apply these rule amendments retroactively to October 1, 2025.

Bill Sponsor Notification

The bill sponsor contact requirements do not apply.

Interested Persons

The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the department. 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 emailed, mailed or otherwise delivered to the contact person above.

Medicaid Performance Based Statement

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.

Rule Reviewer

Chanan Brown

Approval

Charles T. Brereton, Director

Department of Public Health and Human Services