



MONTANA
ADMINISTRATIVE
REGISTER



DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2026-367.1

Summary

Adoption of NEW RULE 1 pertaining to Office of Inspector General Investigative Subpoenas

Hearing Date and Time

Thursday, May 14, 2026, at 1:00 p.m.

Virtual Hearing Information

Join Zoom Meeting: <https://mt-gov.zoom.us/j/87907040857?pwd=zeGbozj7hax0VTAVtRQcefVD2R8Rjg.1>

Meeting ID: 879 0704 0857 and Password: 619659

Dial by Telephone: +1 646 558 8656

Meeting ID: 879 0704 0857 and Password: 619659

Find your local number: <https://mt-gov.zoom.us/u/k59cDupJs>

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 Thursday, April 30, 2026, at 5:00 p.m.

Contact

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Fax: (406) 444-9744

Rulemaking Actions

ADOPT

The rule proposed to be adopted is as follows:

NEW RULE 1 SUBPOENA

- (1) The Department of Public Health and Human Services (department) Office of Inspector General (OIG) has the authority, when conducting investigations, to issue subpoenas to compel the production of financial records, documents, records, or data, including information in electronic form, relevant to its investigation of fraud, waste, and abuse in health care services and public assistance programs administered by the department as defined in ARM Title 37.
- (2) A subpoena may be directed to enrolled or formally enrolled Montana Medicaid or CHIP providers, recipients of public assistance, or other third parties in possession or knowledge of documents or records deemed relevant and material to the inquiry.
- (3) OIG shall issue a subpoena only when the person who is the subject of the investigation fails to voluntarily provide the information and the information is otherwise unavailable to OIG through less intrusive means.
- (4) The subpoena request must be signed by the director of the department and the inspector general.
- (5) Investigative subpoenas issued under this rule may be enforced as provided by 2-4-104, MCA.

Authorizing statute(s): 53-2-112, MCA

Implementing statute(s): 53-2-112, MCA

General Reasonable Necessity Statement

The Department of Public Health and Human Services (department) is proposing to adopt NEW RULE 1.

House Bill 891 was signed into law May 13, 2025, and grants the department's Office of Inspector General (OIG) administrative subpoena authority. Subpoenas will be issued to compel the production of records related to investigations of fraud, waste, and abuse. Subpoenas will be delivered through local law enforcement if available. When law enforcement is unable to deliver the subpoena, OIG will utilize a physical process server.

NEW RULE 1

Implementing this rule is necessary to allow the collection of records related to the investigations of fraud, waste, and abuse.

Small Business Impact

Pursuant to 2-4-111, MCA, the department has determined that the new rule proposed in this notice will not create a significant and direct impact upon small businesses.

Bill Sponsor Notification

The bill sponsor contact requirements do not apply.

Effective Date

The department intends for this rule adoption to be effective July 1, 2026.

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.

Rule Reviewer

Gregory Henderson

Approval

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