



MONTANA
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DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2026-514.1

Summary

The Department of Public Health and Human Services is proposing to amend ARM 37.84.102, 37.84.116, 37.84.117, 37.84.118, 37.84.120, 37.84.121, 37.84.122, and 37.84.123 and to repeal ARM 37.84.107 and 37.84.119 pertaining to Montana's Health and Economic Livelihood Partnership (HELP) program, which administers Medicaid expansion.

Hearing Date and Time

Thursday, May 14, 2026, at 10:00 a.m.

Virtual Hearing Information

Join Zoom Meeting

<https://mt-gov.zoom.us/j/5885879740>

pwd=mzGXbcXG9YMhJrNol12FJjzXoPbZgs.1&omn=82837601993&jst=1

Meeting ID: 588 587 9740 Password: 260857

Dial by Telephone +1 646 558 8656

Meeting ID: 588 587 9740 Password: 260857

Find your local number: <https://mt-gov.zoom.us/u/kbCe803jlq>

Join by SIP 5885879740@zoomcrc.com

Join by H.323 (Polycom) 162.255.37.11##5885879740

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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Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

37.84.102 ~~HELP-ACT: DEFINITIONS~~

- (1) ~~"American Indian and Alaska Native" means an American Indian, Alaska Native, or other individual who is eligible for health services through the Indian Health Service, tribes and tribal organizations, or urban Indian organizations. a person who:~~
 - (a) is an Indian or an Urban Indian as defined in paragraphs (13) or (28) of section 4 of the Indian Health Care Improvement Act;
 - (b) is a California Indian as described in section 809(a) of the Indian Health Care Improvement Act; or
 - (c) has otherwise been determined eligible as an Indian for the Indian Health Service under U.S. Health and Human Services regulations.
- (2) ~~"Certification" means attestation of compliance with or exemption from community engagement activities. A participant's certification may be included as part of the Medicaid application or provided separately with a dated signature electronically;~~

telephonically, or by mail. "Caregiver" means a parent, guardian, relative, or family caregiver of either a dependent child who is 13 years of age or younger or a disabled individual. "Family caregiver" has the same meaning as defined in section 2 of the RAISE Family Caregivers Act, Pub. L. No. 115-119.

- ~~(3)~~ "Community engagement activity" means any qualifying activity identified in ARM 37.84.118 as counting towards the community engagement participation requirements outlined in ARM 37.84.116.
- ~~(4)~~(3) "Department" means the Montana Department of Public Health and Human Services.
- ~~(5)~~(4) "Federal poverty level" (FPL)" means the poverty income guidelines published annually in the Federal Register by the U.S. Department of Health and Human Services or "FPL" means the income level published each year by the United States Department of Health and Human Services to determine poverty guidelines.
- ~~(6)~~(5) "Health and Economic Livelihood Partnership (HELP) program" or "HELP program" means a Medicaid coverage program for persons as authorized at Title 53, chapter 6, part 13, MCA, and Title 39, chapter 12, part 1, MCA, and as implemented in accordance with that part, 53-2-215, MCA, 42 U.S.C. 1315 (2015), 42 U.S.C. 1396d(y) (2015), and other applicable state and federal authorities for those persons who are eligible for the HELP program as authorized under 42 U.S.C. 1396a(a)(10)(A)(i)(VIII) (2015).
- ~~(7)~~(6) "Medicaid alternative benefit plan" means covered services available to HELP members that is equivalent to the Medicaid services described in ARM Title 37. the health services offered to HELP program participants, which are identical to regular Medicaid benefits.
- ~~(8)~~(7) "Medically frail" means individuals defined in 42 CFR 440.315(f) (2015): a person who has special medical needs, including an individual:
- (a) who is blind or disabled as defined in section 1614 of the Social Security Act;
 - (b) with a substance use disorder;
 - (c) with a disabling mental disorder;
 - (d) with a physical, intellectual, or developmental disability that significantly impairs their ability to perform one or more activities of daily living; or
 - (e) with a serious or complex medical condition.
- ~~(9)~~(8) "Member" means an individual enrolled in the Montana Medicaid Program under 53-6-131, MCA, or receiving Medicaid-funded services under 53-6-1304, MCA.
- ~~(10)~~(9) "Modified adjusted gross income (MAGI)" or "MAGI" means income determined in accordance with 42 U.S.C. 1396a(e)(14) and 42 CFR 435.603 (2015).

- ~~(11)~~(10) "Participant" means a HELP program member with a modified-adjusted gross income whose MAGI is at or below 138% of the federal poverty level and enrolled in Medicaid under the HELP program.
- (12) "Premium" means a fee owed by an individual as a participant in the HELP Program.
- (13) "Reporting period" means the required frequency for providing information to the department on community engagement activity participation. The reporting period is every six months.
- ~~(14)~~(11) "Workforce program" means a program developed and administered by the Department of Labor and Industry that includes employment assessment and workforce development opportunities to members. "Work program" means:
- (a) a program under Title I of the Workforce Innovation and Opportunity Act, Pub. L. No. 113-128;
 - (b) a program under section 236 of the Trade Act of 1974, Pub. L. No. 93-618;
 - (c) a program of employment and training operated or supervised by a state or political subdivision of a state that meets standards approved by the governor of the state, including a program under section 6, subsection (d)(4) of the Food and Nutrition Act of 2008, other than a supervised job search program or job search training program;
 - (d) a program of employment and training for veterans operated by the United States Department of Labor or the United States Department of Veterans Affairs, and approved by the relevant department secretary; or
 - (e) a workforce partnership under section 6, subsection (d)(4)(N), of the Food and Nutrition Act of 2008.

Authorizing statute(s): 53-2-215, 53-6-113, 53-6-1309, 53-6-1318, MCA

Implementing statute(s): 53-2-215, 53-6-101, 53-6-113, 53-6-1304, 53-6-1305, 53-6-1306, 53-6-1307, 53-6-1308, 53-6-1309, MCA

37.84.116 HELP ACT: COMMUNITY ENGAGEMENT ACTIVITY PARTICIPATION: REQUIREMENTS AND REPORTING

- (1) A participant shall participate in a minimum average of 80 hours per month of qualifying community engagement activities each reporting period unless exempt from participation as defined in (2). Participants must complete at least 80 hours of community engagement activities each month, unless the participant qualifies for an exemption. The participant is required to report on their community

engagement activities. The required 80 hours may be made up of a combination of activities described in ARM 37.84.118.

- (2) ~~A participant is not subject to the community engagement activity participation requirements if the participant meets any of the following: Participants do not have to complete the community engagement requirements if they meet one of the exemptions as described in ARM 37.84.120.~~
 - (a) ~~is 55 years of age or older;~~
 - (b) ~~qualifies for an income-based exemption as provided under ARM 37.84.119;~~
 - (c) ~~qualifies for a standard exemption under ARM 37.84.120; or~~
 - (d) ~~qualifies for a hardship exemption under ARM 37.84.121.~~
- (3) ~~A participant may communicate exemption from or compliance with community engagement activity participation to the department electronically, telephonically, or by mail. Participants may report their community engagement hours or request an exemption online, by phone, or by mail.~~
- (4) ~~The department shall implement and enforce this rule only upon receiving approval from the U.S. Secretary of Health and Human Services of the department's 1115 waiver application filed August 30, 2019, and in accordance with the terms and conditions of the approval.~~

Authorizing statute(s): 53-2-215, 53-6-113, 53-6-1309, 53-6-1318, MCA

Implementing statute(s): 53-2-215, 53-6-101, 53-6-113, 53-6-1302, 53-6-1303, 53-6-1304, 53-6-1305, 53-6-1308, 53-6-1309, MCA

37.84.117 HELP-ACT: COMMUNITY ENGAGEMENT ACTIVITY PARTICIPATION: DATA REVIEW AND VERIFICATION

- (1) ~~The department shall make reasonable efforts to review available electronic data sources on a monthly basis to identify and document compliance with or exemption from community engagement activity participation requirements. The department shall make reasonable efforts to use electronic data to verify if participants are meeting the community engagement requirements or if they are exempt.~~
- (2) ~~The department shall only request supportive documentation or certification from a participant if no electronic data verification is available to demonstrate compliance with or an exemption from community engagement activity participation as~~

required in ARM 37.84.118, 37.84.119, 37.84.120, and 37.84.121. The department will only ask for documentation or verification from a participant if it cannot verify compliance or exemption using electronic data.

- ~~(3) This information will be used only for community engagement activity participation tracking. All information required to be reported by the member to other programs must continue to be reported according to those program rules and policies.~~
- (4) The department shall implement and enforce this rule only upon receiving approval from the U.S. Secretary of Health and Human Services of the department's 1115 waiver application filed August 30, 2019, and in accordance with the terms and conditions of the approval.

Authorizing statute(s): 53-2-215, 53-6-113, 53-6-1309, 53-6-1318, MCA

Implementing statute(s): 53-2-215, 53-6-101, 53-6-113, 53-6-1302, 53-6-1303, 53-6-1304, 53-6-1305, 53-6-1308, 53-6-1309, MCA

37.84.118 HELP-ACT: COMMUNITY ENGAGEMENT ACTIVITY PARTICIPATION: QUALIFYING ACTIVITIES, DATA REVIEW, AND VERIFICATION ON APPLICATION

- ~~(1) Time spent in one or more of the following qualifying activities may be counted toward the community engagement activity participation requirements as provided under ARM 37.84.116:~~ Time spent in the following activities may count toward the 80-hour community engagement requirement in ARM 37.84.116:
 - ~~(a) employment;~~ work, including employment that meets at least one of these conditions:
 - ~~(i) the participant earns at least the amount equal to the federal minimum wage multiplied by 80 hours each month;~~
 - ~~(ii) the participant works at least 80 hours each month, even if they earn less than the minimum wage; or~~
 - ~~(iii) for seasonal workers as defined in 26 U.S.C. 45R(d)(5) their average monthly income for the past six months is at least the minimum wage multiplied by 80 hours;~~
 - ~~(b) work readiness or workforce training activities which include, but are not limited to, an education, training, coaching, or other related workforce~~

~~readiness activity intended to support preparation for workforce participation community service;~~

- ~~(c) secondary, postsecondary, or vocational education including time spent completing assignments and preparing for exam participation in a work program as defined in ARM 37.84.102;~~
 - ~~(d) substance abuse education or substance use disorder treatment including prevention, treatment, medication assisted treatment, and recovery; enrollment in an educational program at half-time status or greater, which includes:~~
 - ~~(i) an educational program offered by an institution of higher education as defined in section 101 of the Higher Education Act of 1965, Pub. L. No. 89-329; or~~
 - ~~(ii) a program of career and technical education as defined in section 3 of the Carl D. Perkins Career and Technical Education Improvement Act of 2006, Pub. L. No. 109-270; or~~
 - ~~(e) other work or community engagement activities that promote work or work readiness or advance the health purpose of the Medicaid program; any combination of the activities described in (1)(a) through (d).~~
 - ~~(f) community service or volunteer activities;~~
 - ~~(g) any other activity required by the Centers for Medicare and Medicaid Services for the purpose of obtaining necessary waivers under HB 658, section 1, Ch. 1, L. 2019 MT.~~
- (2) The department shall implement and enforce this rule only upon receiving approval from the U.S. Secretary of Health and Human Services of the department's 1115 waiver application filed August 30, 2019, and in accordance with the terms and conditions of the approval. On application of initial or renewed eligibility for the HELP program, the department will review electronic data sources to determine if a participant meets the community engagement activity participation requirement. If the department cannot verify community engagement activity participation through a data review, the participant may submit documentation to show they meet the requirement.

Authorizing statute(s): 53-2-215, 53-6-113, 53-6-1309, 53-6-1318, MCA

Implementing statute(s): 53-2-215, 53-6-101, 53-6-113, 53-6-1302, 53-6-1303, 53-6-1304, 53-6-1305, 53-6-1308, 53-6-1309, MCA

37.84.120 HELP-ACT: COMMUNITY ENGAGEMENT ACTIVITY PARTICIPATION: STANDARD EXEMPTIONS, DATA REVIEW, AND VERIFICATION

- (1) A participant is exempt from the community engagement activity participation requirements if the participant is for a given month if, during part or all of that month, they are:
 - (a) ~~medically frail consistent with 42 C.F.R. 440.315.~~
 - (i) ~~The department shall review healthcare claims on a monthly basis for receipt of services including, but not limited to, a personal care service or a diagnosis of severe and disabling mental or physical illness to identify an exemption under this subsection.~~
 - (ii) ~~If the department is unable to verify a medical frailty exemption through a data review, a participant may provide a certification to meet an exemption under this subsection. an individual described in section 1902(a)(10)(A)(i)(IX) of the Social Security Act;~~
 - (b) ~~blind or disabled.~~
 - (i) ~~A blind or disabled individual shall include:~~
 - (A) ~~Social Security Disability Insurance recipients;~~
 - (B) ~~individuals who, as defined under the Americans with Disability Act, Section 50 or Section 1557, are unable to comply with the community engagement requirements due to disability-related reasons; or~~
 - (C) ~~recipients of a state or federal benefit program due to a disability.~~
 - (ii) ~~The department shall review available data sources on a monthly basis to identify an exemption under this subsection.~~
 - (iii) ~~If the department is unable to verify a blind or disabled exemption through a data review, a participant may provide documentation to meet an exemption under this subsection. an American Indian or Alaska Native as defined in ARM 37.84.102;~~
 - (c) ~~pregnant or up to six months post partum.~~
 - (i) ~~The department shall review healthcare claims on a monthly basis to identify an exemption under this subsection.~~
 - (ii) ~~If the department is unable to verify pregnancy or up to six months post partum through a data review, a participant may provide~~

- ~~documentation or a certification to meet an exemption under this subsection: a caregiver as defined in ARM 37.84.102;~~
- (d) ~~experiencing an acute medical condition:~~
 - (i) ~~A participant who experiences a medical condition that requires medical treatment or that temporarily impacts activities of daily living shall meet an exemption under this subsection.~~
 - (ii) ~~—A participant shall provide documentation from a registered or licensed provider to meet an exemption under this subsection: a veteran with a disability rated as total under 38 U.S.C. 1155;~~
 - (e) ~~unable to work due to a mental or physical condition:~~
 - (i) ~~A participant shall provide documentation to meet an exemption under this subsection. Documentation may include:~~
 - (A) ~~temporary or permanent disability benefits issued by governmental or private sources; or~~
 - (B) ~~a statement provided by a physician, licensed or certified psychologist, physician assistant, nurse, nurse practitioner, designated representative of the physician's office, licensed or certified psychologist, social worker, or any other medical personnel: medically frail as defined in ARM 37.84.102;~~
 - (f) ~~a primary caregiver of a person who is unable to provide self care which shall include a child under the age of 19 residing in the household or an individual who is unable to provide self care, regardless of age.~~
 - (i) ~~A participant may provide a certification to meet an exemption under this subsection.~~
 - (ii) ~~Only one participant may be deemed the primary caregiver for an individual: compliant with the work requirements of the Temporary Assistance for Needy Families program;~~
 - (g) ~~a member of a household that receives Supplemental Nutrition Assistance Program benefits under the Food and Nutrition Act of 2008 and are not exempt from a related work requirement;~~
 - (g)(h) ~~a foster care or kinship care provider: participating in a drug addiction or alcoholic treatment and rehabilitation program as defined in section 3(h) of the Food and Nutrition Act of 2008;~~
 - (i) ~~The department shall review available electronic records on a monthly basis to identify an exemption under this subsection.~~

- (iii) If the department is unable to verify if a participant is a foster care or kinship care provider through a data review, a participant may provide documentation or a certification to meet an exemption under this subsection.
- (h)(i) Engaged in secondary, postsecondary, or vocational education:
- (i) A participant in high school shall satisfy the requirements of this exemption.
 - (ii) A participant enrolled in the equivalent of at least six credits of community college or pursuing an associate degree, four-year undergraduate program, or post-graduate masters or doctoral program shall satisfy the requirements of this exemption.
 - (iii) A participant enrolled in the equivalent of at least six credits in a trade school, college, or career center program that provides specialized skills training shall satisfy the requirements of this exemption.
 - (iv) The department shall review available electronic records on a monthly basis to identify an exemption under this subsection.
 - (v) If the department is unable to verify if a participant is engaged in secondary, postsecondary, or vocational education through a data review, a participant may provide documentation to meet an exemption under this subsection.
 - (vi) A participant satisfies this exemption if they are participating in person or virtually and such participation may be inside or outside of the State of Montana: an inmate of a public institution or an individual who was previously an inmate of a public institution at any point during the three-month period ending on the first day of the month that is being reported on;
- (i) Participating in or exempt from the work requirements of the Temporary Assistance for Needy Families or Supplemental Nutrition Assistance Program.
- (i) The department shall review available electronic records on a monthly basis to identify an exemption under this subsection.
 - (ii) If the department is unable to verify if a participant is exempt from or compliant with Temporary Assistance for Needy Families or Supplemental Nutrition Assistance Program work requirements through a data review, a participant may provide documentation to meet an exemption under this subsection.
- (j) Under the supervision of the Department of Corrections, a county jail, or another entity as directed by the court, the Department of Corrections, or the Board of Pardons and Parole.

- (i) The department shall review available electronic records on a monthly basis to identify an exemption under this subsection.
 - (ii) If the department is unable to verify if a participant is under the supervision of the Department of Corrections, a county jail, or another entity as directed by the court, a participant may provide documentation to meet an exemption under this subsection: either under the age of 19 or over the age of 64;
- (k) Experiencing chronic homelessness.
- (i) Experiencing chronic homelessness includes a participant who:
 - (A) lacks a fixed and regular nighttime residence;
 - (B) primarily resides at nighttime in a supervised shelter designed to provide temporary accommodations;
 - (C) resides for no more than 90 days in the residence of another individual; or
 - (D) resides in a location that is not designed for, or ordinarily used to, accommodating individuals for sleep, home, or meals, including but not limited to hallways, bus station, or lobbies.
 - (I) The department shall review available data on a monthly basis to identify an exemption under this subsection.
 - (II) If the department is unable to verify if a participant is chronically homeless through a data review, the participant may provide a certification to meet an exemption under this subsection: entitled to, or enrolled in, Medicare Part A or enrolled in Medicare Part B;
- (l) A victim of domestic violence as defined by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. 601, et seq.
- (i) A victim of domestic violence shall include a participant who is a victim of physical, sexual, financial, mental, or emotional abuse by a person with whom the individual lives or has lived with in the last 24 months;
 - (ii) A participant may provide a certification to meet an exemption under this subsection: described in an eligibility group listed in subsection (l) through (VII) of section 1902(a)(10)(A)(i) of the Social Security Act;
- (m) Living in an area with a high poverty designation which shall include a participant residing in a zip code area in Montana with a poverty rate greater than the U.S. poverty rate, for individuals in the age range of 18 to 64 years, as determined by the U.S. Census Bureau, estimated for the most current year available.

- (i) ~~The department shall review available data to identify an exemption under this subsection.~~
 - (iii) ~~If the department is unable to verify if a participant is living in an area with a high poverty designation through a data review, the participant may provide documentation or certification to meet an exemption under this subsection. pregnant or entitled to postpartum medical assistance under subsections (5) or (16) of 42 U.S.C. 1396a(e).~~
 - (n) ~~A member of an entity organized under 26 U.S.C. 501(d). A participant shall provide a certification to meet an exemption under this subsection.~~
 - (o) ~~An American Indian or Alaska Native.~~
 - (i) ~~The department shall review available data on a monthly basis to identify an exemption under this subsection.~~
 - (ii) ~~If the department is unable to verify if a participant is a member of a federally recognized tribe through a data review, the participant may provide a certification to meet an exemption under this subsection.~~
 - (p) ~~Otherwise exempt under federal law.~~
- (2) ~~The department shall implement and enforce this rule only upon receiving approval from the U.S. Secretary of Health and Human Services of the department's 1115 waiver application filed August 30, 2019, and in accordance with the terms and conditions of the approval. On application of initial or renewed eligibility for the HELP program, the department will review electronic data sources to identify an exemption under this rule. If the department cannot identify an exemption through a data review, the participant may submit documentation to show they meet an exemption under this rule.~~

Authorizing statute(s): 53-2-215, 53-6-113, 53-6-1309, 53-6-1318, MCA

Implementing statute(s): 53-2-215, 53-6-101, 53-6-113, 53-6-1302, 53-6-1303, 53-6-1304, 53-6-1305, 53-6-1308, 53-6-1309, MCA

37.84.121 HELP-ACT: COMMUNITY ENGAGEMENT ACTIVITY PARTICIPATION: SHORT-TERM HARDSHIP EXEMPTIONS EVENTS

- (1) A participant is exempt from community engagement activity participation requirements if the participant:

- (a) is hospitalized or is caring for an immediate family member who has been hospitalized;
 - (i) the department shall review healthcare claims on a monthly basis for receipt of services that include an inpatient hospitalization to identify an exemption under this subsection;
 - (ii) if the department is unable to verify if a participant is hospitalized through a data review, a participant may provide a certification to meet the exemption under this subsection. A participant shall provide documentation of caring for a family member who has been hospitalized to meet the exemption under this subsection.
 - (b) has a serious illness or is caring for an immediate family member who has a serious illness. A participant shall provide documentation to meet an exemption under this subsection;
 - (c) is incapacitated or is caring for an immediate family member who is incapacitated. A participant shall provide documentation to meet an exemption under this subsection; or
 - (d) is experiencing a catastrophic event or hardship that prevents the participant from complying with the community engagement activity participation requirements. A catastrophic event or hardships includes, but is not limited to, public health emergencies, natural or human-caused disasters, or an unforeseen personal crisis. A participant may request a temporary reporting exemption for an unforeseen personal hardship.
- (2) The department shall implement and enforce this rule only upon receiving approval from the U.S. Secretary of Health and Human Services of the department's 1115 waiver application filed August 30, 2019, and in accordance with the terms and conditions of the approval.
- (1) A participant may request that the department deem the participant to have demonstrated community engagement during a month when the participant experiences a short-term hardship event.
- (2) For the purposes of (1), a short-term hardship event includes the following:
- (a) the participant receives inpatient hospital services, nursing facility services, services in an intermediate care facility for individuals with intellectual disabilities, inpatient psychiatric hospital services, or other services of similar acuity as determined appropriate by the U.S. Secretary of Health and Human Services;
 - (b) the participant resides in a county:

- (i) in which there exists an emergency or disaster declared by the President of the United States pursuant to the National Emergencies Act or the Robert T. Stafford Disaster Relief and Emergency Assistance Act;
- (ii) that, subject to a request from the Montana Department of Public Health and Human Services to the U.S. Secretary of Health and Human Services, has an unemployment rate that is at or above the lesser of eight percent or one and one-half times the national unemployment rate; or
- (c) the participant, or the participant's dependent, must travel outside of their community for an extended period of time to receive medical services necessary to treat a serious or complex medical condition as described in 42 U.S.C. 1396a(xx)(9)(A)(ii)(V)(ee) that are not available within their community of residence.

Authorizing statute(s): 53-2-215, 53-6-113, 53-6-1309, 53-6-1318, MCA

Implementing statute(s): 53-2-215, 53-6-101, 53-6-113, 53-6-1302, 53-6-1303, 53-6-1304, 53-6-1305, 53-6-1308, 53-6-1309, MCA

37.84.122 HELP-ACT: COMMUNITY ENGAGEMENT ACTIVITY PARTICIPATION: ~~COVERAGE~~ SUSPENSION NONCOMPLIANCE SANCTIONS

- (1) ~~A participant who does not meet the age-based exclusion found in ARM 37.84.117(2)(a) or an income, standard, or hardship exemption and fails to comply with the community engagement activity participation requirements will have a grace period of 180 days after the end of the reporting period to come into compliance. A participant who does not qualify for an exemption in ARM 37.84.120 or who does not report at least 80 hours of community engagement activities for the months that they are reporting on will have 30 days after receiving a notice of noncompliance to become compliant. In order to become compliant, a participant must submit documentation reporting on activities completed during the months in which the participant was noncompliant.~~
- (2) ~~A participant who does not come into compliance within the 180-day grace period will have their coverage suspended. If a participant does not provide verification of compliance within 30 days of receiving a notice of noncompliance, they will face disenrollment or denial of their application.~~

- (3) ~~The suspension period will end 180 days after the date of suspension or upon determination by the department that the participant is: The participant may reapply and may regain coverage if the department determines that the participant:~~
 - (a) ~~exempt from community engagement activity participation requirements; qualifies for an exemption;~~
 - (b) ~~compliant with community engagement activity participation requirements for 30 days has followed the community engagement requirements; or~~
 - (c) ~~eligible for another category not subject to community engagement activity participation requirements. qualifies for a different coverage category that does not require community engagement.~~
- (4) ~~A participant who has their coverage reinstated during a suspension period shall be monitored by the department to ensure continued compliance. Before coverage is terminated, the department will send written notice explaining the upcoming termination and how the participant can become compliant prior to termination.~~
- (5) ~~Upon the end of the suspension period, a participant shall have coverage reinstated so long as the participant continues to be eligible for the HELP program.~~
- (6) ~~Prior written notice of an adverse action, which shall include information on how to come into compliance with community engagement activity participation requirements, will be sent to a participant informing them of the pending suspension of coverage.~~
- (7) ~~The department shall implement and enforce this rule only upon receiving approval from the U.S. Secretary of Health and Human Services of the department's 1115 waiver application filed August 30, 2019, and in accordance with the terms and conditions of the approval.~~

Authorizing statute(s): 53-2-215, 53-6-113, 53-6-1309, 53-6-1318, MCA

Implementing statute(s): 53-2-215, 53-6-101, 53-6-113, 53-6-1302, 53-6-1303, 53-6-1304, 53-6-1305, 53-6-1308, 53-6-1309, MCA

37.84.123 HELP-ACT: COMMUNITY ENGAGEMENT ACTIVITY PARTICIPATION: AUDIT REQUIREMENTS

- (1) ~~On a quarterly basis, the Quality Assurance Division shall prepare, plan, and execute an audit to test compliance with community engagement participation~~

~~requirements from a random sample of participants subject to community engagement participation requirements. Cases will be audited in accordance with the audit requirements of section 1903(u)(1) of the Social Security Act and the Medicaid Eligibility Quality Control program requirements described in Title 42, part 431, subpart P, of the Code of Federal Regulations.~~

- ~~(2) Participants who are found to be out of compliance with community engagement participation requirements will be notified in writing with information on how to become compliant. Participants who are out of compliance with community engagement reporting requirements are subject to the provisions of ARM 37.84.122.~~
- ~~(3) The Quality Assurance Division shall provide audit results to the Human and Community Services Division for program improvement and corrective action plans when appropriate.~~
- ~~(4) The Human and Community Services Division shall provide corrective action plans to the Quality Assurance Division, which shall use the plans along with audit results to assess risk and plan future quarterly audit cycles.~~
- ~~(5) The department shall implement and enforce this rule only upon receiving approval from the U.S. Secretary of Health and Human Services of the department's 1115 waiver application filed August 30, 2019, and in accordance with the terms and conditions of the approval.~~

Authorizing statute(s): 53-2-215, 53-6-113, 53-6-1309, 53-6-1318, MCA

Implementing statute(s): 53-2-215, 53-6-101, 53-6-113, 53-6-1302, 53-6-1303, 53-6-1304, 53-6-1305, 53-6-1308, 53-6-1309, MCA

REPEAL

The rules proposed to be repealed are as follows:

37.84.107 HELP ACT: PREMIUMS

Authorizing statute(s): 53-2-215, 53-6-113, 53-6-1318, MCA

Implementing statute(s): 53-2-215, 53-6-101, 53-6-1307, MCA

37.84.119 HELP ACT: COMMUNITY ENGAGEMENT ACTIVITY PARTICIPATION: INCOME-BASED EXEMPTION

Authorizing statute(s): 53-2-215, 53-6-113, 53-6-1309, 53-6-1318, MCA

Implementing statute(s): 53-2-215, 53-6-101, 53-6-113, 53-6-1302, 53-6-1303, 53-6-1304, 53-6-1305, 53-6-1308, 53-6-1309, MCA

General Reasonable Necessity Statement

The department is proposing to amend ARM 37.84.102, 37.84.116, 37.84.117, 37.84.118, 37.84.120, 37.84.121, 37.84.122, and 37.84.123 and repeal ARM 37.84.107 and 37.84.119.

The proposed rule amendments concern Montana's Health and Economic Livelihood Partnership (HELP) program, also known as Montana's Medicaid expansion program. These changes are intended to align state rules with One Big Beautiful Bill Act, H.R. 1, 119th Cong. (2025).

ARM 37.84.102

The proposed amendment of this rule is to add, remove, or update multiple definitions to align state regulation definitions with community engagement definitions from H.R. 1. This amendment is needed now to implement the federally required community engagement activities for Medicaid expansion adopted in H.R. 1. States must implement the community engagement requirements of H.R. 1 no later than January 1, 2027.

ARM 37.84.116

The proposed amendment of this rule is to simplify the rule language and align the rule with the community engagement requirements of H.R. 1. The proposed amendment of this rule is to also remove the submission date of the 1115 waiver application of August 30, 2019. There is no longer a need for a waiver as community engagement is being implemented under Medicaid state plan authority. This is done now to align the rule with current Medicaid authority and to reflect the community engagement requirements for Medicaid expansion adopted in H.R. 1. States must implement the community engagement requirements of H.R. 1 no later than January 1, 2027.

ARM 37.84.117

The proposed amendment of this rule is to simplify the rule language and also remove the submission date of the 1115 waiver application of August 30, 2019. There is no longer a need for a waiver as community engagement is being implemented under Medicaid state plan authority. This amendment is proposed to align the rule with current Medicaid authority.

ARM 37.84.118

The proposed amendment of this rule is to simplify the rule language and update the definition of “employment,” to include community service, internships, and registered apprenticeships as qualifying activities. The amendment also removes from qualifying activities substance abuse education, substance abuse disorder treatment and prevention, and volunteer activities. Under H.R. 1, substance abuse education and substance abuse disorder treatment and prevention are not qualifying community engagement activities. The proposed rule amendment also adds language regarding verification of compliance with the community engagement activity participation requirement. This amendment is needed now as states must implement the community engagement requirements of H.R. 1 no later than January 1, 2027.

ARM 37.84.120

The proposed amendment of this rule is to simplify the rule language and to update the standard exemptions to the community engagement activity participation requirement to align with H.R. 1. The proposed amendment also adds language regarding verification of compliance with the community engagement activity participation requirement. This amendment is necessary to align the community engagement exemptions with those required under federal law. States must implement the community engagement requirements of H.R. 1 no later than January 1, 2027.

ARM 37.84.121

The proposed amendment of this rule allows participants to request recognition of short-term hardship events consistent with H.R. 1. The amendment eliminates exemptions that are not authorized under H.R. 1. The amendment also removes data verification of hardship to align with the requirement under H.R. 1 that the participant make an affirmative request for hardship recognition. This is done now to align the rule with H.R. 1 prior to the compliance date of January 1, 2027.

ARM 37.84.122

The proposed amendment of this rule is to eliminate coverage suspension options, outline noncompliance sanctions in accordance with the requirements of H.R. 1, and simplify the rule language. The proposed amendment also removes the submission date of the 1115 waiver application of August 30, 2019. There is no longer a need for a waiver as community engagement is being implemented under Medicaid state plan authority. This is done now to align the rule with current Medicaid authority.

ARM 37.84.123

The proposed amendment of this rule is to update the audit requirements to reflect current federal auditing requirements. The proposed amendment of this rule is to also remove the submission date of the 1115 waiver application of August 30, 2019. There is no longer a need for a waiver as community engagement is being implemented under Medicaid state plan authority. This is done now to align the ARM with current Medicaid authority.

ARM 37.84.107

The proposed repeal of this rule aligns with federal legislation. H.R. 1 does not allow collection of premiums from HELP program participants. The repeal is needed now to align the rules with H.R. 1.

ARM 37.84.119

The proposed repeal of this rule eliminates unnecessary language. The substance of the rule will be addressed in the proposed amendment of ARM 37.84.120. This is proposed now to align the rules with other proposed rulemaking.

Small Business Impact

Pursuant to 2-4-111, MCA, the department has determined there is no class or group of small businesses affected by the proposed rules and that the proposed rules will not have a significant and direct effect upon small businesses. The proposed rulemaking impacts recipients of the Health and Economic Livelihood Partnership (HELP) program which do not meet the definition of a small business.

Bill Sponsor Notification

The bill sponsor contact requirements do not apply.

Effective date

The department intends to adopt these rule amendments and repeals 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.

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