



MONTANA
ADMINISTRATIVE
REGISTER



DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

NOTICE OF ADOPTION

MAR NOTICE NO. 2026-84.2

Summary

Amendment of ARM 37.82.205, 37.82.401, 37.82.701, 37.82.704, 37.82.904, and 37.82.1111 pertaining to Medicaid General Eligibility

Previous Notice(s) and Hearing Information

On August 7, 2026, the Department of Public Health and Human Services published MAR Notice No. 2026-84.1 pertaining to the public hearing on the proposed amendment of the above-stated rules in the 2026 Montana Administrative Register, Issue Number 15.

A hearing was held on August 27, 2026.

Final Rulemaking Action – Effective October 1, 2026

AMEND AS PROPOSED

The agency has amended the following rule as proposed:

37.82.401 CITIZENSHIP AND ALIENAGE

Final Rulemaking Action – Effective January 1, 2027

AMEND AS PROPOSED

The agency has amended the following rules as proposed:

37.82.205 REDETERMINATION OF ELIGIBILITY

37.82.701 GROUPS COVERED, NONINSTITUTIONALIZED FAMILIES AND CHILDREN

37.82.704 RETROACTIVE MEDICAID COVERAGE

37.82.904 TWO-MONTH RETROACTIVE COVERAGE, NON-INSTITUTIONALIZED SSI-RELATED INDIVIDUALS AND COUPLES

37.82.1111 TWO-MONTH RETROACTIVE COVERAGE, NON-INSTITUTIONALIZED MEDICALLY NEEDY

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: One commenter asked the department to reconsider the proposed change that would reduce the retroactive coverage period available to Medicaid applicants.

Response #1: The department appreciates the comment. The proposed duration changes to retroactive coverage are mandated by federal law; the department has no discretion in implementing these changes.

Comment #2: One commenter expressed concern with the increase in the administrative burden on individuals with the six-month redetermination requirement.

Response #2: The department appreciates the comment. The proposed changes to the frequency of redeterminations are mandated by federal law; the department has no discretion in implementing these changes. Also, as with any eligibility requirement in a public program, some level of administrative process is necessary to verify that eligibility criteria are met. The department remains committed to reducing burden wherever permissible under law, including through streamlined verification, use of available data sources, and clear beneficiary communication.

Comment #3: One commenter expressed concerns with the increase in workload to the state with the implementation of six-month redeterminations.

Response #3: The department appreciates the comment. The proposed changes to the frequency of redeterminations are mandated by federal law; the department has no discretion in implementing these changes. Additionally, the department is committed to continuous improvement in operational processes. As the department has been planning for implementation, it has reviewed existing processes and staffing models to identify opportunities for increased efficiency and quality. The department is committed to working

with its partners to effectuate a thoughtful roll-out that reduces administrative burden and aligns with the department's ongoing customer service improvement efforts.

Comment #4: One commenter expressed that there is confusion related to community engagement requirements, to whom they apply, who may qualify for an exemption, and the process a person uses to qualify for an exemption.

Response #4: The department appreciates the comment. However, the issues raised are outside the scope of this rulemaking. On June 19, 2026, the department published MAR Notice No. 2026-514.2, a notice of adoption of the administrative rules pertaining to community engagement requirements for Health and Economic Livelihood Partnership (HELP) program participants.

Comment #5: One commenter asked for considerations related to the medically frail exemption in community engagement requirements.

Response #5: The department appreciates the comment. However, the issue raised is outside the scope of this rulemaking. On June 19, 2026, the department published MAR Notice No. 2026-514.2, a notice of adoption of the administrative rules pertaining to community engagement requirement exemptions for HELP participants in.

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Approval

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