

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 37.79.201, 37.82.102,)
37.82.701, 37.86.202, 37.86.3402,)
and 37.86.3405 pertaining to 12-)
month postpartum continuous)
eligibility for Medicaid and HMK)

TO: All Concerned Persons

1. On May 10, 2024, the Department of Public Health and Human Services published MAR Notice No. 37-1057 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 1032 of the 2024 Montana Administrative Register, Issue Number 9.

2. The department has amended the following rules as proposed: ARM 37.79.201, 37.82.102, 37.82.701, and 37.86.3402.

3. The department has amended the following rules as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

37.86.202 MID-LEVEL PRACTITIONER SERVICES, DEFINITIONS For the purpose of these rules, the following definitions will apply:

(1) through (11) remain as proposed.

(12) "Postpartum services" means services rendered to a woman during the 12-month postpartum period ~~following the delivery~~ after pregnancy ends for any health conditions or complications that are pregnancy-related.

(13) through (16) remain as proposed.

AUTH: 53-2-201, 53-6-113, MCA

IMP: 53-6-101, MCA

37.86.3405 TARGETED CASE MANAGEMENT SERVICES FOR HIGH RISK PREGNANT WOMEN, COVERAGE (1) and (2) remain as proposed.

(3) Two post-partum reassessments must occur after ~~delivery~~ the end of pregnancy and prior to the last day of the month in which the 12-month postpartum period ~~following delivery ends~~ occurs.

(4) remains as proposed.

AUTH: 53-6-113, MCA

IMP: 53-6-101, MCA

4. The department has thoroughly considered the comments and testimony received. A summary of the comments received and the department's responses are as follows:

COMMENT #1: One commenter expressed support and appreciation for this rulemaking.

RESPONSE #1: The department appreciates the commenter's support.

COMMENT #2: A commenter expressed concern on ARM 37.86.202 and 37.86.3405 regarding the use of "following delivery" and the phrase not accounting for those who experience stillbirth or miscarriage, although they would be eligible for services. The commenter suggested using the phrase "after pregnancy ends."

RESPONSE #2: The department has reviewed the questioned language and agrees that the language in ARM 37.86.202 and 37.86.3405 should be revised as suggested.

5. The department intends to apply these rule amendments retroactively to July 1, 2023.

/s/ Brenda K. Elias
Brenda K. Elias
Rule Reviewer

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

Certified to the Secretary of State July 30, 2024.