

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

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 37.36.101, 37.36.402, and) PROPOSED AMENDMENT
37.36.604 pertaining to the Montana)
Telecommunications Access Program)

TO: All Concerned Persons

1. On August 19, 2024, at 1:00 p.m., the Department of Public Health and Human Services will hold a public hearing via remote conferencing to consider the proposed amendment of the above-stated rules. Interested parties may access the remote conferencing platform in the following ways:

(a) Join Zoom Meeting at: <https://mt-gov.zoom.us/j/89779189052?pwd=ZFhqRTRENzNuTXpoTGJMcGswYm5XUT09>, meeting ID: 897 7918 9052, and password: 553230; or

(b) Dial by telephone: +1 646 558 8656, meeting ID: 897 7918 9052, and password: 553230. Find your local number: <https://mt-gov.zoom.us/u/kdbTLXd1bp>.

2. The Department of Public Health and Human Services 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. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on August 5, 2024, to advise us of the nature of the accommodation that you need. Please contact Bailey Yuhas, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail hhsadminrules@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

37.36.101 DEFINITIONS For purposes of this chapter, the following definitions apply:

(1) through (4) remain the same.

(5) "Director" means the person employed by the Committee on Telecommunications Services to administer the Montana ~~Telecommunications Access~~ Accessible Communications Program (MTAP MTAC) program.

(6) through (10) remain the same.

(11) "~~MTAP MTAC~~" means the Montana ~~Telecommunications Access~~ Program Accessible Communications.

(12) through (13) remain the same.

(14) "Program" means the Montana ~~Telecommunications Access~~ Accessible Communications Program.

(15) through (19) remain the same.

AUTH: 53-19-305, 53-19-307, MCA
IMP: 53-19-305, 53-19-307, MCA

37.36.402 OWNERSHIP (1) All equipment loaned through MTAP MTAC will remain the property of the state of Montana. All equipment will be recorded and tracked for a minimum of five years by serial number, state of Montana identification tag and name, address, and telephone number of recipient.

AUTH: 53-19-307, MCA
IMP: 53-19-307, MCA

37.36.604 FINANCIAL ELIGIBILITY CRITERIA (1) Individuals whose annual family income during the 12 months immediately preceding the month of application is less than 250% of the 2022 poverty guidelines published by the U.S. Department of Health and Human Services (HHS) are eligible for a loan of specialized telecommunications equipment based on income. 250% of the HHS 2022 annual poverty guidelines for families of various sizes is specified on the Montana Telecommunications Access Program Accessible Communications website, effective on January 12, 2022, which rate is adopted and incorporated here by reference. A copy is available at <https://dphhs.mt.gov/detd/mtap/nocostassistiveequipment>, or may be obtained from the Department of Public Health and Human Services, Montana Telecommunications Access Program Accessible Communications (MTAP MTAC), P.O. Box 4210, Helena, MT 59604-4210.

(2) remains the same.

AUTH: 53-19-305, 53-19-307, MCA
IMP: 53-19-305, 53-19-307, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) is proposing the amendment of ARM 37.36.101, 37.36.402, and 37.36.604 to update the program name from Montana Telecommunications Access Program (MTAP) to Montana Accessible Communications (MTAC), to simplify and better reflect the purpose of the program.

The following describes the purpose and necessity of the proposed rule amendments pertaining to these rules:

ARM 37.36.101, 37.36.402, and 37.36.604

The department is proposing to amend ARM 37.36.101, 37.36.402, and 37.36.604, pertaining to MTAP's name. These rules reference the name, Montana Telecommunications Access Program (MTAP), and need to be updated to reflect the proposed new name, Montana Accessible Communications (MTAC).

The rule amendment would revise the name of the program by replacing the name, Montana Telecommunications Access Program (MTAP) throughout the rules with the proposed new name, Montana Accessible Communications (MTAC). The current name, Montana Telecommunications Access Program (MTAP), is cumbersome and confusing to the general public. The purpose of this change is to simplify the program name, making it more recognizable and meaningful to potential clients, friends and family of potential clients, and the general public, who might be searching for accessible communications options.

Fiscal Impact

There would be no fiscal impact due to the change in the program name, other than the cost of updating the program logo on all program related materials. It is anticipated that this could be done with minimal cost and over time.

5. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Bailey Yuhas, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail hhsadminrules@mt.gov, and must be received no later than 5:00 p.m., August 23, 2024.

6. The Office of Legal Affairs, Department of Public Health and Human Services, has been designated to preside over and conduct this hearing.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. 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. Written requests may be mailed or delivered to the contact person in 5 above.

8. An electronic copy of this notice is available on the department's web site at <https://dphhs.mt.gov/LegalResources/administrativerules>, or through the Secretary of State's web site at <http://sos.mt.gov/ARM/register>.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Heidi Sanders
Heidi Sanders
Rule Reviewer

/s/ Robert Siedlecki
Robert Siedlecki, Deputy Director
Department of Public Health and Human
Services

Certified to the Secretary of State July 16, 2024.