



DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

NOTICE OF ADOPTION

MAR NOTICE NO. 37-1089

Summary

Adoption of NEW RULE I pertaining to HCBS quality assurance reviews

Previous Notice(s) and Hearing Information

On August 23, 2024, the Department of Public Health and Human Services published MAR Notice No. 37-1089 pertaining to the public hearing on the proposed adoption of the above-stated rule at page 2040 of the 2024 Montana Administrative Register, Issue Number 16.

Final Rulemaking Action – Effective January 11, 2025

ADOPT WITH CHANGES

The department has adopted the following rule with changes from the original proposal, stricken matter interlined, new matter underlined:

NEW RULE I (37.40.1409) HOME AND COMMUNITY BASED SERVICES FOR ELDERLY AND DISABLED PERSONS: QUALITY ASSURANCE REVIEWS

(1) through (8) remain as proposed.

Authorizing statute(s): 53-2-201, 53-6-113, ~~53-6-401~~ 53-6-402, MCA

Implementing statute(s): 53-2-201, 53-6-101, ~~53-6-401~~ 53-6-402, MCA

Statement of Reasons

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

COMMENT #1: A commenter emphasized that quality assurance reviews (QARs) are essential for the functioning of home and community-based waiver services. The commenter expressed appreciation for the processes described in the proposed rule. The commenter suggested that case managers and service providers outline emergency procedures to assist members before facing crises. Additionally, the commenter stressed the importance of ensuring services promote community living in the least restrictive settings and suggested that QAR assessments highlight how members access and utilize community services.

RESPONSE #1: The department appreciates the comment regarding the necessity of quality assurance reviews for home and community-based services and thanks the commenter for their support of the proposed rule. The department agrees emergency procedures can help ensure timely assistance for members facing crises and that this is an important aspect of quality assurance. The department is committed to promoting community living in the least restrictive settings, in alignment with the federal 2014 HCBS settings rule and will ensure that QAR assessments include evaluations of how members access and utilize community services, as well as clarify the roles of service providers in person-centered planning and emergencies.

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Rule Reviewer

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Approval

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