

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 37.34.3005 pertaining to the)
Developmental Disabilities Program)
Fiscal Year 2025 Rate Increase)

TO: All Concerned Persons

1. On June 7, 2024, the Department of Public Health and Human Services published MAR Notice No. 37-1092 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 1374 of the 2024 Montana Administrative Register, Issue Number 11.

2. The department has amended ARM 37.34.3005 as proposed.

3. 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 asked what plans are in place to regularly review and update rates to meet the real-time needs of members and providers.

RESPONSE #1: The department's goal is to ensure rates are adequate to cover the cost of delivering important services to Medicaid members. The department continues to develop additional mechanisms and processes to collect and analyze data and cost information to inform the department in calculating future proposed rate adjustments. Ultimately it is the legislature that must fund any proposed rate increases recommended by the department.

COMMENT #2: One commenter recommends rather than requiring a physician's prescription or referral for meal services, to have the referral come from the case manager to reduce barriers to program eligibility such as complexity, added cost, and access to care. The commenter further suggested that a strategy to help identify medical necessity could include incorporating member-reported chronic condition diagnoses, which could be documented as a part of the referral process.

RESPONSE #2: The department thanks the commenter for their recommendation and will take this recommendation under advisement for future amendments.

4. The rule amendment is to be applied retroactively to July 1, 2024.

/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 August 13, 2024.