

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

In the matter of the amendment of) NOTICE OF DECISION ON
ARM 37.85.105 pertaining to update) PROPOSED AMENDMENT
of effective dates and inclusion of)
Medicaid manual changes)

TO: All Concerned Persons

1. On February 12, 2021, the Department of Public Health and Human Services (department) published MAR Notice No. 37-941 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 168 of the 2021 Montana Administrative Register, Issue Number 3.

2. A public hearing on the notice of proposed amendment of the above-stated rule was held on March 4, 2021.

3. The department is required to submit a waiver amendment for the Severe and Disabling Mental Illness (SDMI), 1915(c) Home and Community Based Services Waiver to the Centers for Medicare and Medicaid (CMS) to enact the changes proposed to the SDMI waiver program and the corresponding rule amendments proposed in MAR Notice No. 37-941. After the rule notice was filed, CMS reviewed the SDMI waiver amendment and has requested additional amendments to the SDMI waiver, which will require additional time and stakeholder feedback. For these reasons, the department determined it would be prudent to withdraw MAR Notice No. 37-941 with the expectation that future administrative rule amendments will be proposed once the department and CMS reach resolution on the SDMI waiver amendment.

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

/s/ Adam Meier
Adam Meier, Director
Public Health and Human Services

Certified to the Secretary of State March 16, 2021.