

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 37.40.830 pertaining to hospice )  
fee schedule )

TO: All Concerned Persons

1. On April 30, 2021, the Department of Public Health and Human Services published MAR Notice No. 37-943 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 462 of the 2021 Montana Administrative Register, Issue Number 8.

2. The department has amended the above-stated rule 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: A commenter requested the department consider revising ARM 37.40.830 to remove the requirement for hospice providers to bill Medicaid for room and board and then reimburse nursing home facilities for the cost of the room and board.

Response #1: The change proposed by the commenter would also require revising ARM 37.40.339, which is a separate rule that is not the subject of this proposed rulemaking. The commenter's proposed change is outside the scope of this proposed rulemaking and cannot be made by the department at this time.

4. The department intends to apply this rule amendment retroactively to October 1, 2020. Any decreases in hospice rates will not be applied retroactively and are effective upon adoption of the proposed rule amendment. A retroactive application of the proposed rule does not result in a negative impact to any affected party.

/s/ Robert Lishman  
Robert Lishman  
Rule Reviewer

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

Certified to the Secretary of State June 15, 2021.