

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

In the matter of the amendment of) AMENDED NOTICE OF PUBLIC
ARM 37.34.3005 and 37.86.3607) HEARING ON PROPOSED
pertaining to developmental) AMENDMENT
disabilities program provider rates)
update)

TO: All Concerned Persons

1. On June 25, 2021, the Department of Public Health and Human Services (department) published MAR Notice No. 37-949 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 748 of the 2021 Montana Administrative Register, Issue Number 12. The department held a public hearing on July 15, 2021, and the initial comment period ended July 23, 2021.

2. On September 30, 2021, at 10:00 a.m., the department will hold a second public hearing via remote conferencing to consider the revised statement of reasonable necessity and the proposed revisions to program provider rates. Interested parties may access the remote conferencing platform in the following ways:

(a) Join Zoom Meeting at: <https://mt-gov.zoom.us/j/84701818024>; meeting ID: 847 0181 8024; or

(b) Dial by telephone +1 646 558 8656; meeting ID: 847 0181 8024. Find your local number: <https://mt-gov.zoom.us/u/kdpdJaN7JP>.

3. The department 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 September 16, 2021, to advise us of the nature of the accommodation that you need. Please contact Heidi Clark, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena MT 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

4. The department is amending the notice to update provider rates after receiving feedback from the Children and Families Interim Legislative Committee on the allocation of funding for rate increases in the Developmental Disabilities Waiver. The department is including additional funds into Developmental Disabilities Waiver provider rates for recruitment and retention of direct care workers who serve populations in the Developmental Disabilities Waiver.

5. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) is proposing to amend ARM 37.34.3005 and 37.86.3607 pertaining to reimbursement rates in the Montana Developmental Disabilities Program Services Manual and the Targeted Case Management Services for Individuals with Developmental Disabilities Enrolled in the 1915 (c) 0208 Home and Community Based (HCBS) Comprehensive Waiver or Eligible Individuals Age 16 and Over.

The rule amendments would adopt and incorporate the updated versions of the manuals, dated July 1, 2021, to include changes in billing and reimbursement of services provided to persons who are recipients of developmental disabilities services through the Medicaid programs.

Based on legislative appropriations in the 2021 legislative session, the Developmental Disabilities Program proposes to implement a 1.9% average provider rate increase to provider rates, and through increased rates apply money appropriated by the 2021 legislative session for workers who provide direct care to people with developmental disabilities. These rate adjustments are reflected in the proposed manuals, dated July 1, 2021.

ARM 37.34.3005

The proposed amendment would give an approximate 1.9% increase to Medicaid Waiver services and distribute an additional \$1,004,294 to waiver services through rate setting for recruitment and retention of direct care workers, with an effective date of July 1, 2021. The combined weighted average increase for waiver services is estimated at 2.7%.

The proposed amendment would apply both increases to all waiver services except:

- Individual Goods and Services
- Remote Monitoring Equipment
- Specialized Medical Equipment and Supplies
- Environmental Modifications
- Personal Emergency Response System
- Community Transition Services

The following Extended State Plan services will receive updates per their established Medicaid State Plan rate methodologies:

- Private Duty Nursing (Medicaid State Plan) LPN
- Private Duty Nursing (Medicaid State Plan) RN
- Psychological Services
- Physical Therapy (Medicaid State Plan)
- Occupational Therapy (Medicaid State Plan)
- Speech Therapy (Medicaid State Plan)
- Nutritionist Services (Medicaid State Plan)

In addition, the proposed manual has a rate comparison reference chart added to the end.

The proposed Montana Developmental Disabilities Program Services Manual dated July 1, 2021, can be found at <https://dphhs.mt.gov/dsd/developmentaldisabilities/ddpratesinf>.

ARM 37.86.3607

The proposed amendment would give an approximate 1.9% rate increase to the following service:

Targeted Case Management Services for Individuals with Developmental Disabilities Enrolled in the 1915 (c) 0208 Home and Community Based (HCBS) Comprehensive Waiver or Eligible Individuals Age 16 and Over, with an effective date of July 1, 2021, can be found at <https://dphhs.mt.gov/dsd/developmentaldisabilities/ddpratesinf>.

In addition, the manual update includes minor grammatical edits.

Fiscal Impact

Waiver Rate Increases

The provider rate increases are projected to have the following fiscal impact:

1.9% Provider rate increase:

\$860,977	General Fund increase
\$1,599,659	Federal Fund increase
\$2,460,636	Total Funds increase

Direct Care recruitment and retention increases are projected to have the following fiscal impact:

\$351,402	General Fund increase
\$652,892	Federal Fund increase
\$1,004,294	Total Funds increase

Targeted Case Management Increase

The 1.9% provider rate increase for targeted case management is projected to have the following fiscal impact:

\$25,840	General Fund increase
\$48,010	Federal Fund increase
\$73,850	Total Funds increase

6. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Heidi Clark, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena MT 59604-4210, no later than 5:00 p.m. on October 8, 2021. Comments may also be faxed to (406) 444-9744 or e-mailed to dphhslegal@mt.gov.

/s/ Aleea Sharp
Aleea Sharp
Rule Reviewer

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

Certified to the Secretary of State August 31, 2021.