

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

In the matter of the amendment of) NOTICE OF AMENDMENT AND
ARM 37.97.132, 37.106.301,) REPEAL
37.106.302, 37.106.316, 37.106.401,)
37.106.601, 37.106.704, 37.106.804,)
37.106.1505, and 37.106.2311 and)
the repeal of ARM 37.106.605,)
37.106.645, 37.106.1101,)
37.106.1103, 37.106.1104,)
37.106.1105, 37.106.1110,)
37.106.1111, 37.106.1112,)
37.106.1120, 37.106.1121,)
37.106.1122, 37.106.1123,)
37.106.1124, 37.106.1130,)
37.106.1131, and 37.106.1132)
pertaining to Health Care Facility)
Revisions)

TO: All Concerned Persons

1. On August 5, 2022, the Department of Public Health and Human Services published MAR Notice No. 37-990 pertaining to the public hearing on the proposed amendment and repeal of the above-stated rules at page 1485 of the 2022 Montana Administrative Register, Issue Number 15.

2. The department has amended the above-stated rules as proposed.

3. The department has repealed the above-stated rules as proposed.

4. 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 indicates that they feel that, for skilled nursing facilities, state hospitals, veteran nursing home, and other congregate settings, the "State Department" needs to ensure that these facilities are following the 2016 HCBS community settings rules if they are receiving Home and Community Based funding.

RESPONSE #1: The department disagrees with this comment. The health care facilities regulations establish minimum standards for all health care facilities for licensure purposes. They do not set forth specific requirements for facilities based on the types of reimbursement received or their participation in certain programs. Additionally, facilities providing home and community based services are already

monitored for compliance and applicability by Montana Medicaid and the department's Senior and Long Term Care Division.

/s/ FLINT MURFITT

Flint Murfitt
Rule Reviewer

/s/ CHARLES T. BRERETON

Charles T. Brereton, Director
Department of Public Health and Human
Services

Certified to the Secretary of State September 13, 2022.