



Children, Families, Health, and Human Services Interim Committee

PO BOX 201706
Helena, MT 59620-1706
(406) 444-3064
FAX (406) 444-3036

64th Montana Legislature

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May 22, 2015

To: Children, Families, Health, and Human Services Interim Committee
From: Alexis Sandru, Staff Attorney
Re: Administrative Rule Report for June 2015 Meeting

The Department of Public Health and Human Services (Department) has filed the following notices with the Secretary of State's Office for publication in the Montana Administrative Register (MAR). Notices are available at <http://www.mtrules.org> (search by notice number).¹

PROPOSAL NOTICES

MAR Notice Number: 37-700

Subject: Adoption of new rules pertaining to supports for community working and living 1037 home and community services waiver program

Summary: The proposed new rules are specific to administering the 1037 waiver, the purpose of which is to establish a program of Medicaid-funded home and community-based services for persons with developmental disabilities who wish to achieve integrated community employment.

Notes/Hearing: **Because an adoption notice was not filed within 6 months of the date of publication of this proposal notice (November 6, 2014), this proposal notice is invalid, and the Department is required to publish a new proposal notice should it wish to proceed with these proposed rules. See 2-4-302(6) and 2-4-305, MCA.

MAR Notice Number: 37-704

Subject: Update of rules for youth care facilities

Summary: The Department is proposing to: (1) adopt a new rule concerning fire safety regulations; (2) amend the definition of child/youth (lowering age in one instance and including parenting or pregnant youth under 21); (3) amend requirements for staff to include requirements

¹ Pursuant to 5-5-225, MCA, the Children, Families, Health, and Human Services Interim Committee is responsible for reviewing administrative rules promulgated by the Department of Public Health and Human Services. Staff for the Committee has prepared this report for informational purposes only. This report does not represent any action or opinion of the Committee and does not preclude additional action that may be taken by the Committee pursuant to its authority under the Montana Administrative Procedure Act, Title 2, chapter 4, MCA.

that direct-care staff have valid driver's license and obey MT driving laws; and (4) amend physical environment requirements to include requirements that a youth care facility have hot and cold water and follow certain housekeeping requirements.

Notes/Hearing: Public hearing was held on Feb. 4, 2015.

** Rule review found erroneous cites in the authorizing and implementing cites -- agency rule reviewer notified of errors.

MAR Notice Number: 37-705

Subject: Revision of fee schedules for Medicaid provider rates

Summary: The Department is proposing to amend Medicaid provider fee schedules.

Notes/Hearing: Public hearing is scheduled for June 3, 2015, at 1:30 p.m. in the DPHHS auditorium.

MAR Notice Number: 37-706

Subject: Amendment of rules pertaining to federally qualified health centers and rural health centers

Summary: The Department is replacing the phrase "increase or decrease" with "change" to clarify that a change in the scope of services is not necessarily a decrease or increase and to align the terminology with CMS definitions.

Notes/Hearing: Public hearing was held May 20, 2015.

MAR Notice Number: 37-707

Subject: Nursing facility reimbursement

Summary: The Department is amending rules concerning implementation of the Medicaid nursing facility reimbursement by updating references to the fiscal year to the current fiscal year of 2016 and is updating contact information for the department's fiscal intermediary for out-of-state facilities.

Notes/Hearing: Public hearing is scheduled for June 3, 2015, at 3 p.m. in the DPHHS auditorium.

MAR Notice Number: 37-708

Subject: Update to Healthy Montana Kids evidence of coverage document

Summary: The Department is proposing to incorporate by reference and amend the Healthy Montana Kids evidence of coverage document, which describes the health care benefits available to an HMK group member. The proposed changes concern the following: (1) authorization of telemedicine; (2) coverage of organ and tissue transplants and clarification of coverage of living donor; (3) per diem and transport for adult companion of child; (4) extension of limit on therapeutic family care; (5) leave limit for holding bed open at therapeutic group home; (6) services not payable under the HMK plan; (7) discontinuation of naturopathic physician services; (8) expanded coverage of over-the-counter nasal spray; and (9) addition of benzoyl peroxide to allowed over-the-counter drug list.

Notes/Hearing: Public hearing is scheduled for May 27, 2015, at 10 a.m. in Room 207 of the DPHHS building.

MAR Notice Number: 37-709

Subject: Amendment or rules pertaining to Medicaid transportation, personal per diem, and ambulance services

Summary: The Department's amendments propose to: (1) clarify the transportation and per diem requirements; (2) require ambulance services providers to submit an ambulance trip report and associated professional claim when seeking authorization for an emergency transport service and provide for the Department's designated review organization to review these documents when reviewing and approving claims; and (3) amend rule concerning qualified rate adjustment, payment eligibility and computation for ambulance services to conform to federal requirements.

Notes/Hearing: Public hearing was held on May 20, 2015.

MAR Notice Number: 37-710

Subject: Increase of reimbursement rates/clarification of language in developmental disabilities manual

Summary: The Department is proposing to adopt and incorporate by reference the Montana Developmental Disabilities Program Manual of Service Rates and Procedures of Reimbursement for Home and Community-based Services Waiver Programs and the Montana Developmental Disabilities Program Manual of Service Reimbursement Rates and Procedures for Developmental Disabilities Case Management Services for Persons with Developmental Disabilities Who Are 16 Years of Age or Older or Who Reside in a Children's Community Home, both of which are dated July 1, 2015, and are revised, including revisions to reimbursement rates due to additional legislative appropriations.

Notes/Hearing: Public hearing is scheduled for June 4, 2015, at 11 a.m. in the DPHHS auditorium.

MAR Notice Number: 37-711

Subject: Laboratory fees for analysis and newborn screening for Severe Combined Immunodeficiency Disease (SCID)

Summary: The Department is proposing to add SCID to the required conditions that are screened or tested for in the newborn screening panel. The Department is also proposing to amend laboratory fees to cover the additional cost of performing the SCID screening test, which will result in an increase of \$6 to the laboratory fee for screening each baby.

Notes/Hearing: Public hearing is scheduled for June 3, 2015, at 9 a.m. in the DPHHS auditorium.