



Children, Families, Health, and Human Services Interim Committee

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62nd Montana Legislature

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To: Committee Members

From: Julianne Burkhardt, Staff Attorney

Re: DPHHS Administrative Rule Activity

Date: January 12, 2012

The Department of Public Health and Human Services (DPHHS) has filed the following notices with the Secretary of State's Office for publication in the Montana Administrative Register (MAR). (Notices in their entirety are available online at: <http://www.dphhs.mt.gov/legalresources/>)

MAR 2011 Issue No. 21 (November 10, 2011) At page 2419 of the 2011 MAR, DPHHS has filed a NOTICE OF AMENDMENT indicating its final adoption of amendments to four rules related to the Low Income Energy Assistance Program (LIEAP). No testimony or comments were received.

MAR 2011 Issue No. 21 (November 10, 2011) At page 2416 of the 2011 MAR, DPHHS has filed a NOTICE OF AMENDMENT indicating its final adoption of amendments to four rules related to Medicaid pharmacy reimbursement. The comments received focused on suggestions regarding definitions and concerns regarding reimbursement rates. Based upon a comment received, the DPHHS modified its proposed amendment of ARM 37.86.1105 clarifying dispensing fee for nonpreferred generic drugs identified on the preferred drug list (PDL).

MAR 2011 Issue No. 21 (November 10, 2011) At page 2382 of the 2011 MAR, DPHHS has filed a NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT regarding the amendment of ARM 37.104.101 and 37.104.212 pertaining to emergency medical services (EMS). The hearing was held on November 30, 2011, at 1:30 p.m. in the auditorium of the DPHHS building. The amendments are designed to require ambulance services to report minimum electronic data to a web-based department database to assist the DPHHS in evaluating emergency medical care and the emergency health care system.

MAR 2011 Issue No. 21 (November 10, 2011) At page 2356 of the 2011 MAR, DPHHS has filed a NOTICE OF PUBLIC HEARING ON PROPOSED ADOPTION, AMENDMENT, AND REPEAL regarding the Montana child support guidelines. The hearing was held on November 30, 2011, at 1:30 p.m. in room 207, 111 North Sanders, Helena, Montana. The proposed changes are designed to make Montana's child support guidelines easier to read and use and more equitable for parents.

MAR 2011 Issue No. 22 (November 25, 2011) At page 2542 of the 2011 MAR, DPHHS has filed a NOTICE OF DECISION ON PROPOSED RULE ACTIONS regarding three rules related to Medicaid inpatient hospital services. A public hearing was held on November 16, 2011. The DPHHS is not amending the inpatient rules for Medicaid as described in MAR 37-566 because the update to the APR Grouper was not received in time for the DPHHS to establish the proposed new hospital base rates. A new proposed rule will be filed when the base rates can be calculated.

MAR 2011 Issue No. 22 (November 25, 2011) At page 2489 of the 2011 MAR, DPHHS has filed a NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT regarding the amendment of a series of rules pertaining to child care policy manual revisions.

MAR 2011 Issue No. 23 (December 8, 2011) At page 2657 of the 2011 MAR, DPHHS has filed a NOTICE OF ADOPTION, AMENDMENT, AND REPEAL pertaining to pools, spas, and water features. The DPHHS decided to repeal ARM 37.5.603 and 37.115.1814 based on the comments received.

MAR 2011 Issue No. 24 (December 22, 2011) At page 2823 of the 2011 MAR, DPHHS has filed a NOTICE OF AMENDMENT indicating its final adoption of amendments to three rules related to credible allegation of Medicaid fraud. No testimony or comments were received by the DPHHS.

MAR 2011 Issue No. 24 (December 22, 2011) At page 2824 of the 2011 MAR, DPHHS has filed a NOTICE OF AMENDMENT indicating its final adoption of an amendment to ARM 37.86.2207 Early and Periodic Screening, Diagnostic and Treatment (EPSDT) Services. No testimony or comments were received by the DPHHS.

MAR 2011 Issue No. 24 (December 22, 2011) At page 2825 of the 2011 MAR, DPHHS has filed a NOTICE OF AMENDMENT indicating its final adoption of amendments to four rules pertaining to durable medical equipment and hearing aids. No testimony or comments were received by the DPHHS.

MAR 2011 Issue No. 24 (December 22, 2011) At page 2826 of the 2011 MAR, DPHHS has filed a NOTICE OF AMENDMENT indicating its final adoption of an amendment to ARM 37.81.304 pertaining to the maximum Big Sky Rx premium charge. No testimony or comments were received by the DPHHS.

MAR 2011 Issue No. 24 (December 22, 2011) At page 2827 of the 2011 MAR, DPHHS has filed a NOTICE OF AMENDMENT indicating its final adoption of amendments to four rules pertaining to TANF policy revisions dealing with the parents as scholars program.