



**Children, Families, Health, and Human Services Interim
Committee**

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

63rd Montana Legislature

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June 10, 2013

TO: Children, Families, Health, and Human Services Interim Committee
FROM: Alexis Sandru, Staff Attorney
RE: Administrative Rule Report -- June 2013 Meeting
[Agenda Item 5.a.]

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

MAR NOTICE NUMBER: 37-633

SUBJECT: Case management services for persons with developmental disabilities

NOTICE TYPE: Amended Proposal Notice

SUMMARY: The Department is amending its original proposal to amend 37.86.3607, ARM. The Department states that HB2 was not final when the original proposal notice was published and that the amended proposal notice is necessary to advise the public of the correct rates and to extend the public comment period. The Department is proposing to adopt and incorporate by reference Section One of the Developmental Disabilities Program Manual of Service Reimbursement Rates and Procedures, which provides the methodology for calculating reimbursement rates for case management services to persons 16 years of age or older with developmental disabilities or who reside in a DD children's group home.

NOTES/HEARINGS: A public hearing was held on May 15, 2013. The public comment period was extended from May 23, 2013, to May 30, 2013.

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¹Pursuant to 5-5-225, MCA, the Children, Families, Health, and Human Services Interim Committee is responsible for reviewing administrative rules within its jurisdiction. 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).

MAR NOTICE NUMBER: 37-634

SUBJECT: Reimbursement of services for Developmental Disability Program home and community-based services waiver programs

NOTICE TYPE: Amended Proposal Notice

SUMMARY: The Department is amending its original proposal to amend and repeal certain rules contained in Title 37, chapter 34, subchapter 30, ARM. The Department states that HB2 was not final when the original proposal notice was published and that the amended proposal notice is necessary to advise the public of the correct rates and to extend the public comment period. The Department's proposed changes reflect changes in the HCBS 1915(c) 0208 waiver, the merger of the 0371 and 0208 waivers, and the establishment of the 1037 waiver (Support for Community Working and Living Waiver Program) and reflect provider rate funding mandated by HB2.

NOTES/HEARINGS: A public hearing was held on May 15, 2013. The public comment period was extended from May 23, 2013, to May 30, 2013.

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MAR NOTICE NUMBER: 37-635

SUBJECT: Nursing facility reimbursement

NOTICE TYPE: Amended Proposal Notice

SUMMARY: The Department is amending its original proposal to amend rules pertaining to nursing facility reimbursement. The Department states that HB2 was not final when the original proposal was published and that the amended proposal notice is necessary to advise the public of the correct rates, to extend the public comment period, to amend the statement of reasonable necessity to reflect the Governor's veto of an additional 2% provider rate increase, and to correct a typographical error.

NOTES/HEARINGS: A public hearing was held on May 15, 2013. The public comment period was extended from May 23, 2013, to May 30, 2013.

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MAR NOTICE NUMBER: 37-636

SUBJECT: Fee schedules for Medicaid provider rates

NOTICE TYPE: Amended Proposal Notice

SUMMARY: The Department is proposing to amend its original proposal notice that proposed to revise fee schedules for Medicaid provider rates. The Department states that HB2 was not final when the original proposal was published and that the amended proposal notice is necessary to advise the public of the correct rates affecting Medicaid reimbursement, to extend the public comment period, to amend the statement of reasonable necessity to remove references to the federal sequestration, and to correct a typographical error.

NOTES/HEARINGS: A public hearing was held on May 15, 2013. The public comment period was extended from May 23, 2013, to May 30, 2013.

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MAR NOTICE NUMBER: 37-637

SUBJECT: Licensure requirements for outpatient centers for surgical services

NOTICE TYPE: Proposal Notice

SUMMARY: The Department is proposing to adopt 11 new rules pertaining to licensure requirements for outpatient centers for surgical services: (1) "New Rule I Purpose"; (2) "New Rule II Scope"; (3) "New Rule III Definitions"; (4) New Rule IV Minimum Standards for Outpatient Centers for Surgical Services"; (5) "New Rule V Written Policies and Procedures"; (6) "New Rule VI Operational Standards for Outpatient Centers for Surgical Services"; (7) "New Rule VII Staffing and Personnel Requirements"; (8) "New Rule VIII Medical, Clinical, and Health Record Information"; (9) "New Rule IX Infection Prevention, Control, and Safety"; (10) "New Rule X Anesthesia Risk and Evaluation"; and (11) "New Rule XI Surgical and Related Services". The Department states that the new rules are necessary because the former administrative rule governing licensure of outpatient facilities was inadvertently stricken, leaving the Department with no rule to govern the licensure of outpatient centers for surgical facilities.

NOTES/HEARINGS: A public hearing is scheduled for June 26, 2013, at 10 a.m. in Room 207 of the DPHHS building. Public comment must be received by July 5, 2013.

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MAR NOTICE NUMBER: 37-624

SUBJECT: Communicable disease control

NOTICE TYPE: Adoption Notice

SUMMARY: The Department has amended and repealed certain rules contained in Title 37, chapter 114, ARM, pertaining to communicable disease control.

NOTES/HEARINGS: The Department received several comments, all of which the Department addressed by changing/clarifying proposed language.

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