MONTANA
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DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-129.1

Summary

Amendment of ARM 37.34.3005 pertaining to the Developmental Disabilities Program Rates and Billing Manual

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Hearing Date and Time

Tuesday, December 2, 2025, at 9:00 a.m.

Virtual Hearing Information

Join Zoom Meeting: https://mt-gov.zoom.us/j/82367223847?pwd=8azq7MYO0OvQ7bm9411e0MQIFt6Yu0.1

Meeting ID: 823 6722 3847 Password: 545865

Dial by Telephone: +1 646 558 8656

Meeting ID: 823 6722 3847 Password: 545865

Find your local number: https://mt-gov.zoom.us/u/kl5o6HdN

Comments

Comments may be submitted using the contact information below. Comments must be received by Friday, December 5, 2025, at 5:00 p.m.

Accommodations

The agency 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. Requests must be made by Tuesday, November 18, 2025, at 5:00 p.m.

Contact

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Fax: (406) 444-9744

Rulemaking Actions

AMEND

The rule proposed to be amended is as follows, stricken matter interlined, new matter underlined:

37.34.3005 REIMBURSEMENT FOR SERVICES OF MEDICAID FUNDED DEVELOPMENTAL DISABILITIES HOME AND COMMUNITY-BASED SERVICES (HCBS) WAIVER PROGRAMS

(1) Reimbursement through the Developmental Disabilities Program's (DDP) Medicaid Home and Community-Based Services Waiver Programs is only available to a provider for services or items:

(a) delivered in accordance with the requirements and limitations of ARM 37.34.3001;

(b) delivered in accordance with the terms and conditions of the formal approval by the Centers for Medicare & Medicaid (CMS) governing each waiver program; and

(c) authorized in accordance with ARM 37.34.3002 for reimbursement through the person's individual cost plan (ICP).

(2) The department adopts and incorporates by this reference the rates of reimbursement and the delivery of services and items available through each Home and Community-Based Services Waiver Program as specified in the Montana Developmental Disabilities Program Rates and Billing Manual, effective ~~July 1, 2024~~ July 1, 2025. A copy of the manual may be obtained through the Department of Public Health and Human Services, Behavioral Health and Developmental Disabilities Division, Developmental Disabilities Program, 111 N. Sanders, P.O. Box

4210, Helena, MT 59604-4210 and at
~~https://dphhs.mt.gov/bhdd/DisabilityServices/developmentaldisabilities/ddpratesinf.~~
https://dphhs.mt.gov/BHDD/DisabilityServices/developmentaldisabilities/ddpratesinf.

Authorizing statute(s): 53-2-201, 53-6-402, MCA

Implementing statute(s): 53-2-201, 53-6-402, MCA

General Reasonable Necessity Statement

The Department of Public Health and Human Services (department) is proposing to amend ARM 37.34.3005 pertaining to the reimbursement rates in the Developmental Disabilities Program Rates and Billing Manual and updating the effective date to July 1, 2025.

Pursuant to 53-6-113, MCA, the Montana Legislature has directed the department to use the administrative rulemaking process to establish rates of reimbursement for covered medical services provided to Medicaid members by Medicaid providers. The department proposes these rule amendments to establish Medicaid rates of reimbursement. In establishing the proposed rates, the department considered as primary factors the availability of funds appropriated by the Montana Legislature during the 2025 regular legislative session, the actual cost of services, and the availability of services.

ARM 37.34.3005
The proposed amendment would adopt an updated rates and billing manual to reflect legislatively approved rates in HB 2 with an effective date of July 2025. This amendment would also update the weblink where the rates manual is posted as the current link does not work.

The proposed Developmental Disabilities Program Rates and Billing Manual dated July 1, 2025, can be found at
https://dphhs.mt.gov/bhdd/DisabilityServices/developmentaldisabilities/ddpratesinf.

Fiscal Impact

Developmental Disabilities Waiver Rate increases - The provider rate increases for DD Waiver services are projected to have the following fiscal impact in State Fiscal Year 2026:

SFY 2026 Budget Impact (Federal Funds)	SFY 2026 Budget Impact (State Funds)	SFY 2026 Budget Impact (Total Funds)	Active Provider Count
$3,242,916	$2,020,823	$5,263,738	84

Small Business Impact

Pursuant to 2-4-111, MCA, the class of small businesses affected by the proposed rules are those providing 0208 HCBS Waiver services. The department believes the proposed rule will have a positive impact on small businesses as it incorporates the legislatively approved rates increase. The department does not anticipate any negative impacts.

Bill Sponsor Notification

The bill sponsor contact requirements do not apply.

Interested Persons

The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the department. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be emailed, mailed or otherwise delivered to the contact person above.

Effective Date

The department intends to apply these rule amendments retroactively to July 1, 2025. A retroactive application of the proposed rule amendments does not result in a negative impact to any affected party.

Medicaid Performance-Based Statement

Section 53-6-196, MCA, requires that the department, when adopting by rule proposed changes in the delivery of services funded with Medicaid monies, make a determination of whether the principal reasons and rationale for the rule can be assessed by performance-based measures and, if the requirement is applicable, the method of such measurement. The statute provides that the requirement is not applicable if the rule is for the implementation of rate increases or of federal law.

The department has determined that the proposed program changes presented in this notice are not appropriate for performance-based measurement and therefore are not subject to the performance-based measures requirement of 53-6-196, MCA.

Rule Reviewer

Olivia Schuler

Approval

Charles T. Brereton, Director

Department of Public Health and Human Services