



**MONTANA
ADMINISTRATIVE
REGISTER**



DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2026-366.1

Summary

Amendment of ARM 37.81.304 pertaining to Big Sky Rx Benefit

Hearing Date and Time

Thursday, February 26, 2026, at 11:00 a.m.

Virtual Hearing Information

Join Zoom Meeting: <https://mt-gov.zoom.us/j/87355762273?pwd=B8YKHASSbIXtwyaWFgblPQhKXaH0GI.1>

Meeting ID: 873 5576 2273 and Password: 267164

Dial by Telephone: +1 646 558 8656

Meeting ID: 873 5576 2273 and Password: 267164

Find your local number: <https://mt-gov.zoom.us/j/87355762273?pwd=B8YKHASSbIXtwyaWFgblPQhKXaH0GI.1>

Comments

Comments may be submitted using the contact information below. Comments must be received by Friday, March 6, 2026, 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 Thursday, February 12, 2026, 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:

37.81.304 AMOUNT OF THE BIG SKY RX BENEFIT

- (1) An applicant eligible for the Big Sky Rx PDP premium assistance may receive a benefit not to exceed ~~\$50.60~~ 41.50 per month. The benefit amount will not exceed ~~\$50.60~~ 41.50 regardless of the cost of the premium for the PDP the individual chooses.
 - (a) If a portion of the applicant's PDP premium is paid through the Extra Help Program, the Big Sky Rx Program will pay the applicant's portion of the PDP premium up to ~~\$50.60~~ 41.50 per month.
 - (b) Big Sky Rx does not pay for the cost of an enrollee's drugs or the cost of an enrollee's deductible, coinsurance, or copayments.
 - (c) All expenditures are contingent on legislative appropriation. The amount of the monthly benefit, ~~\$50.60~~ 41.50, extends the Social Security Extra Help benefit amount to Montana residents with income up to 200% FPL. The department's total expenditure for the program will be based on appropriation and the number of enrolled applicants.

Authorizing statute(s): 53-2-201, 53-6-1004, MCA

Implementing statute(s): 53-2-201, 53-6-1001, 53-6-1004, 53-6-1005, MCA

General Reasonable Necessity Statement

The Department of Public Health and Human Services (department) is proposing to amend ARM 37.81.304 to update the maximum amount the Big Sky Rx program contributes toward the monthly premium for eligible enrollees of the Medicare Prescription Drug Plan (PDP).

The department is proposing to decrease the maximum benefit from \$50.60 per month to \$41.50 per month, in accordance with the federally established Low-Income Subsidy (LIS) monthly premium benchmark for Region 25 published by the Centers for Medicare & Medicaid Services (CMS) for calendar year 2026. Region 25 includes Montana, Iowa, Minnesota, North Dakota, Nebraska, South Dakota, and Wyoming. The LIS benchmark is calculated annually by CMS using statutory and plan-bid components of the Regional Medicare Advantage benchmarks, as outlined in 42 CFR § 423.780. The benchmark rates are publicly available at <https://www.cms.gov/files/document/regional-rates-and-benchmarks-2026.pdf>. The Big Sky Rx program follows the LIS premium benchmark to ensure a reasonable and prudent monthly benefit for enrolled members. This proposed benefit adjustment is necessary to ensure the Big Sky Rx benefit aligns with the LIS benchmark set by CMS.

Small Business Impact

Pursuant to 2-4-111, MCA, the agency has determined there is no class or group of small businesses affected by the proposed rulemaking and that the proposed rule will not have a significant and direct effect upon small businesses.

Fiscal Impact

This rule proposal will affect approximately 1,027 Montanans who will see a decrease in the amount of monetary assistance from the Big Sky Rx program for their monthly Part D prescription drug plan premium. This rule proposal will decrease the state special fund spending by \$9,345.70 per month, or \$112,148.40 on an annual basis.

Effective Date

The department intends the proposed rule amendment to be effective the day after the date of publication of the adoption notice.

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.

Rule Reviewer

Robert Lishman

Approval

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