

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 37.8.1802 pertaining to the) PROPOSED AMENDMENT
Montana tumor registry)

TO: All Concerned Persons

1. On February 16, 2023, at 2:00 p.m., the Department of Public Health and Human Services will hold a public hearing via remote conferencing to consider the proposed amendment of the above-stated rule. Interested parties may access the remote conferencing platform in the following ways:

(a) Join Zoom Meeting at: <https://mt-gov.zoom.us/j/85970649589?pwd=TTRMRjNBelFwUjBUNVpIK09VblU3UT09>, meeting ID: 859 7064 9589, and password: 061771; or

(b) Dial by telephone: +1 646 558 8656, meeting ID: 859 7064 9589, and password: 061771. Find your local number: <https://mt-gov.zoom.us/u/kdicgK7upy>.

2. The Department of Public Health and Human Services 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. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on February 2, 2023, to advise us of the nature of the accommodation that you need. Please contact Kassie Thompson, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail hhsadminrules@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

37.8.1802 REQUIRED RECORDS, INITIAL ADMISSION AND TREATMENT

(1) through (1)(q) remain the same.

(r) cumulative summary of all first course therapy directed at the subject tumor, including:

(i) through (z) remain the same.

(2) As used in this rule, "first course therapy" includes all methods of treatment recorded in the treatment plan and administered to the patient before disease progression or recurrence.

AUTH: 50-15-706, MCA

IMP: 50-15-703, MCA

4. STATEMENT OF REASONABLE NECESSITY

The department is proposing to amend ARM 37.8.1802 pertaining to data required to be submitted for cancer cases diagnosed or treated in Montana. The department is proposing to amend the rule to clarify that first course treatment, rather than all treatment, is required to be reported. First course treatment includes all therapies recorded in the treatment plan and administered to the patient before disease progression or recurrence. The requirement to report first course therapy aligns with nationally recognized standards for cancer surveillance data. Additionally, reporting of first course therapy is a requirement of the Centers for Disease Control and Prevention National Program of Cancer Registries, which is the primary source of funding for the Montana Central Tumor Registry. The proposed rule change is necessary to clarify the type of treatment information required to be reported under the rule.

Fiscal Impact

There is no fiscal impact anticipated due to this rulemaking.

5. The proposed rule changes are intended to be effective upon the day after the date of publication of the adoption notice.

6. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Kassie Thompson, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail hhsadminrules@mt.gov, and must be received no later than 5:00 p.m., February 24, 2023.

7. The Office of Legal Affairs, Department of Public Health and Human Services, has been designated to preside over and conduct this hearing.

8. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. 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 mailed or delivered to the contact person in 6 above.

9. An electronic copy of this notice is available on the department's web site at <https://dphhs.mt.gov/LegalResources/administrativerules>, or through the Secretary of State's web site at <http://sosmt.gov/ARM/register>.

10. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

11. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ ROBERT LISHMAN
Robert Lishman
Rule Reviewer

/s/ CHARLES T. BRERETON
Charles T. Brereton, Director
Department of Public Health and Human
Services

Certified to the Secretary of State January 17, 2023.