

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

In the matter of the amendment of)
ARM 37.90.402, 37.90.403, 37.90.406,)
37.90.408, 37.90.409, 37.90.410,)
37.90.412, 37.90.425, 37.90.433,)
37.90.434, 37.90.439, and 37.90.449)
and the adoption of NEW RULES I and)
II pertaining to Mental Health Medicaid)
Funded 1115 and 1915 Waivers)

CORRECTED NOTICE OF
AMENDMENT AND ADOPTION

TO: All Concerned Persons

1. On May 10, 2024, the Department of Public Health and Human Services published MAR Notice No. 37-1034 pertaining to the public hearing on the proposed amendment and adoption of the above-stated rules at page 1004 of the 2024 Montana Administrative Register, Issue Number 9. On September 20, 2024, the department published the notice of amendment and adoption at page 2234 of the 2024 Montana Administrative Register, Issue Number 18.

2. The department has discovered that ARM 37.90.406, as proposed in Notice No. 37-1034 on May 10, 2024, did not show the recent changes to the rule that had been adopted in Notice No. 37-1032 on March 22, 2024, which included a new (2) and a new (6).

3. In this corrected notice, the department is presenting the rule as it should have appeared in the proposal notice for Notice No. 37-1034. This version is the corrected version of the rule that was adopted in Notice No. 37-1034. Because this was merely a clerical oversight and no content of the rule has been changed—the rule text from two different rulemaking notices simply being reconciled—there is no need to adopt this rule again. The rule in its corrected form appears at rules.mt.gov.

4. The rule, as it should have been presented in Notice No. 37-1034, is as follows, deleted matter interlined, new matter underlined:

37.90.406 HOME AND COMMUNITY-BASED SERVICES FOR ADULTS WITH SEVERE AND DISABLING MENTAL ILLNESS: PROVIDER REQUIREMENTS (1) The waiver program services may only be provided by a provider that:

- (a) is enrolled as a Montana Medicaid provider except as provided in (2)(3);
- (b) remains the same.
- (c) meets the criteria as a qualified provider authorized to deliver the service as specified in this subchapter. ~~the Provider Requirement Matrix for the SDMI HCBS waiver program. The department adopts and incorporates by reference the~~

~~Provider Requirements Matrix for the SDMI HCBS waiver program, dated July 1, 2020, and located at: <https://dphhs.mt.gov/amdd/HCBSPolicyManual>.~~

(2) remains the same.

(3) The department may authorize a SDMI-HCBS contracted case management entity to issue pass-through payment for reimbursement of services rendered by a non-Medicaid provider for the following services:

(a) through (6) remain the same

AUTH: 53-2-201, 53-6-402, MCA

IMP: 53-6-402, MCA

/s/ Paula M Stannard
Paula M. Stannard
Rule Reviewer

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

Certified to the Secretary of State December 10, 2024.