

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

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 37.34.907 pertaining to )  
Medicaid Home and Community- )  
Based Services Program )

TO: All Concerned Persons

1. On July 7, 2023, the Department of Public Health and Human Services published MAR Notice No. 37-1035 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 643 of the 2023 Montana Administrative Register, Issue Number 13.

2. The department has amended ARM 37.34.907 as proposed.

3. The department has thoroughly considered the comments and testimony received. A summary of the comments received, and the department's responses are as follows:

Comment #1: The department received a comment expressing concern that the 4% rate increase to Applied Behavior Analysis (ABA) services does not address inflation nor meets legislature intent. Additionally, the commenter recommends using Guidehouse's cost analysis to inform an adequate rate for these services.

Response #1: The department appreciates the feedback; however, this is outside the scope of this rulemaking. Similar comments were submitted for MAR Notice No. 37-1037, and the commenter is encouraged to view the department's response in that notice.

Comment #2: The department received a comment requesting geographic rate differential for human services staff and Applied Behavior Analysis (ABA) services to address increases in the cost-of-living.

Response #2: The department appreciates the feedback; however, this is outside the scope of this rulemaking.

/s/ Rachel Raymond  
Rachel Raymond  
Rule Reviewer

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

Certified to the Secretary of State November 7, 2023.