

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 37.36.604 pertaining to MTAP) PROPOSED AMENDMENT
Financial Eligibility Criteria)

TO: All Concerned Persons

1. On August 19, 2024, 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/81862257200?pwd=ZEFydIZuaFNQOWFwVDNMakFoUnA3dz09>, meeting ID: 818 6225 7200, and password: 190640; or

(b) Dial by telephone: +1 646 558 8656, meeting ID: 818 6225 7200, and password: 190640. Find your local number: <https://mt-gov.zoom.us/u/kekQKkIZCN>.

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 August 5, 2024, to advise us of the nature of the accommodation that you need. Please contact Bailey Yuhas, 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:

37.36.604 FINANCIAL ELIGIBILITY CRITERIA (1) Individuals whose annual family income during the 12 months immediately preceding the month of application is less than 250% of the ~~2022~~ 2023 poverty guidelines published by the U.S. Department of Health and Human Services (HHS) are eligible for a loan of specialized telecommunications equipment based on income. 250% of the HHS ~~2022~~ 2023 annual poverty guidelines for families of various sizes is specified on the Montana ~~Telecommunications Access~~ Accessible Communications program website, effective on January 12, ~~2022~~ 2023, which rate is adopted and incorporated here by reference. A copy is available at <https://dphhs.mt.gov/detd/mtap/nocostassistiveequipment>, or may be obtained from the Department of Public Health and Human Services, Montana ~~Telecommunications Access Program~~ Accessible Communications (MTAP MTAC), P.O. Box 4210, Helena, MT 59604-4210.

(2) remains the same.

AUTH: 53-19-305, 53-19-307, MCA

IMP: 53-19-305, 53-19-307, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) is proposing an amendment to ARM 37.36.604 to align the requirements for the Montana Accessible Communications (MTAC) program with the 2023 United States Department of Health and Human Services Federal Poverty Level (FPL) index guidelines.

The following describes the purpose and necessity of the proposed rule amendment pertaining to this rule:

ARM 37.36.604

The department is proposing to amend ARM 37.36.604, pertaining to MTAC financial eligibility criteria. This rule sets forth the criteria that allow the department to pay for services being made available to persons who are eligible for MTAC. The rule provides that the payment for services by the department may occur if the consumer's income and financial resources do not exceed maximum levels for income and resources established through the rule.

This rule amendment revises the maximum level of allowable income. Currently the rule provides that the maximum level is 250% of the 2022 United States Department of Health and Human Services poverty guidelines for households. This amendment would update the rule to coincide with 250% of the 2023 FPL.

The rule amendment would revise this level by replacing the year 2022 to indicate that the maximum level for income is 250% of the 2023 United States Department of Health and Human Services poverty guidelines for households, as detailed on the MTAC website, or by contacting MTAC. The updated, detailed income calculations by family size would be posted on the MTAC website, the likeliest place members of the public applying for assistance would look for this information. During the public comment period the proposed rates would be placed on the MTAC website as "proposed," until approved and adopted.

The department proposes changing the name of the program from the Montana Telecommunications Access Program (MTAP) to Montana Accessible Communications (MTAC). This change would simplify the program name, making it more recognizable and meaningful to potential clients, friends and family of potential clients, and the general public, who might be searching for accessible communications options. The department is also proposing to make this change in Notice No. 37-1085, which would amend ARM 37.36.101, 37.36.402, and 37.36.604, to reflect the proposed change from MTAP to MTAC. The department believes it is important to have the same, updated program name across all administrative rules that apply to this program.

Fiscal Impact

There would be no fiscal impact due to the increase in the FPL. A minimal number of clients who are served by the MTAC exceed the FPL. The majority are well under the FPL. An increase in the FPL would be very minimal and most likely not yield any additional costs to the MTAC program.

5. The department proposes these rule amendments to be retroactively effective to January 12, 2023.

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: Bailey Yuhas, 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., August 23, 2024.

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. Written requests 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 rules.mt.gov.

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/ Heidi Sanders
Heidi Sanders
Rule Reviewer

/s/ Robert Siedlecki
Robert Siedlecki, Deputy Director
Department of Public Health and Human
Services

Certified to the Secretary of State July 16, 2024.