

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

In the matter of the repeal of ARM)	NOTICE OF PROPOSED REPEAL
37.30.2601, 37.30.2605, and)	
37.30.2608 pertaining to the)	NO PUBLIC HEARING
Vocational Rehabilitation Visual)	CONTEMPLATED
Medical Program)	

TO: All Concerned Persons

1. The Department of Public Health and Human Services proposes to repeal the above-stated rules.

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 September 6, 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 MT 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail hhsadminrules@mt.gov.

3. The department proposes to repeal the following rules:

37.30.2601 VISUAL MEDICAL PROGRAM: PURPOSES

AUTH: 53-7-302, MCA
IMP: 53-7-302, MCA

37.30.2605 VISUAL MEDICAL PROGRAM: SERVICES

AUTH: 53-7-302, MCA
IMP: 53-7-302, MCA

37.30.2608 VISUAL MEDICAL PROGRAM: ELIGIBILITY REQUIREMENTS

AUTH: 53-7-302, MCA
IMP: 53-7-302, MCA

4. STATEMENT OF REASONABLE NECESSITY

ARM 37.30.2601, 37.30.2605, and 37.30.2608 comprise the entirety of the Visual Medical Program subchapter. The department seeks to repeal the rules, because

the Visual Medical Program no longer exists, and Medicaid now covers the services that were previously provided by the Visual Medical Program.

The Visual Medical Program had the purpose of "prevent[ing] blindness, restor[ing] sight, and provid[ing] appropriate treatment where loss of sight cannot be prevented or sight cannot be restored." ARM 37.30.2601. For this purpose, the Visual Medical Program provided the following services: "(a) diagnostic services; (b) surgery and treatment services; (c) hospitalization services; (d) prosthetic appliances, if determined to be necessary in treatment; (e) transportation services; and (f) follow-up services." ARM 37.30.2605.

The services provided by the Visual Medical Program are now provided by Medicaid. See ARM Title 37, chapters 84 and 86. With the implementation of Medicaid expansion, the funding for the Visual Medical Program was eliminated. The department seeks to repeal the rules to reduce confusion regarding a program that no longer exists.

Fiscal Impact

This proposed rule amendment has no fiscal impact. The program is no longer funded, and costs were shifted to Medicaid expansion.

5. The proposed rule changes are intended to be effective the day after the adoption notice is published.

6. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Bailey Yuhas, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena MT 59604-4210, no later than 5:00 p.m. on September 20, 2024. Comments may also be faxed to (406) 444-9744 or e-mailed to hhsadminrules@mt.gov.

7. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Bailey Yuhas at the above address no later than 5:00 p.m., September 20, 2024.

8. If the agency receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. As the program provided by these rules is no longer funded, there are no people or members of associations who could be directly affected by the proposed action.

9. 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.

10. 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.

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

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

/s/ Olivia Schuler
Olivia Schuler
Rule Reviewer

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

Certified to the Secretary of State August 13, 2024.