

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 37.34.1501 pertaining to ) PROPOSED AMENDMENT  
Developmental Disabilities Program )  
Incident Reporting and Handling )

TO: All Concerned Persons

1. On January 13, 2025, at 11:00 a.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/81312969996?pwd=3k1jOWqyjL9Z7wavjTwD2kDOCQIGaf.1>, meeting ID: 813 1296 9996, and password: 973961; or

(b) Dial by telephone: +1 646 558 8656, meeting ID: 813 1296 9996, and password: 973961. Find your local number: <https://mt-gov.zoom.us/u/kcmlpBiGaw>.

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 December 30, 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](mailto:hhsadminrules@mt.gov).

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

37.34.1501 INCIDENT REPORTING AND HANDLING, PURPOSE

(1) remains the same.

(a) The Developmental Disabilities Program Incident Management Manual, dated ~~July 1, 2023~~ January 1, 2025, sets forth further requirements and criteria that govern the incident management system for the Developmental Disabilities Program of the department.

(b) The department adopts and incorporates by reference the Developmental Disabilities Program Incident Management Manual, dated ~~July 1, 2023~~ January 1, 2025.

(c) and (d) remain the same.

AUTH: 53-20-203, 53-20-204, MCA  
IMP: 53-20-205, MCA

#### 4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) is proposing to amend ARM 37.34.1501.

The following summary explains the reasonable necessity for the proposed rule amendment.

The purpose of this amendment is to adopt and incorporate into rule an updated Incident Management Manual to clarify and remove conflicting information. The changes to the manual include: 1) clarifying that Incident Reports (IR) need to be added into the Data Management System (DMS) within 24 hours; 2) clarifying the timeline for assigning an investigator to critical incidents; 3) clarifying that pro re nata (PRN) documentation is not needed for over-the-counter medication; and 4) removing conflicting information in the Abuse, Neglect, or Exploitation (ANE) procedure. The draft manual may be viewed at <https://dphhs.mt.gov/BHDD/DisabilityServices/developmentaldisabilities/DDPpolproc ed>.

#### Fiscal Impact

The proposed rule amendment has no anticipated fiscal impact implications.

5. 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](mailto:hhsadminrules@mt.gov), and must be received no later than 5:00 p.m., January 17, 2025.

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

7. 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.

8. 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://sos.mt.gov/ARM/register>.

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

10. 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.

11. Section 53-6-196, MCA, requires that the department, when adopting by rule proposed changes in the delivery of services funded with Medicaid monies, make a determination of whether the principal reasons and rationale for the rule can be assessed by performance-based measures and, if the requirement is applicable, the method of such measurement. The statute provides that the requirement is not applicable if the rule is for the implementation of rate increases or of federal law.

The department has determined that the proposed program changes presented in this notice are not appropriate for performance-based measurement and therefore are not subject to the performance-based measures requirement of 53-6-196, MCA.

/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 December 10, 2024.