

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 37.79.304 pertaining to Healthy )  
Montana Kids Evidence of Coverage )

TO: All Concerned Persons

1. On December 9, 2022, the Department of Public Health and Human Services published MAR Notice No. 37-970 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 2235 of the 2022 Montana Administrative Register, Issue Number 23.

2. The department has amended the following rule as proposed: ARM 37.79.304.

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: One commenter stated that they had a concern regarding the effective date of the document being January 1, 2023. They have been providing Applied Behavior Analysis (ABA) services prior to the effective date and would not like to see an interruption in services for those receiving ABA.

RESPONSE #1: The department agrees with the comment. Although it is not reflected in the Evidence of Coverage document, ABA services have been a covered benefit since June 1, 2018.

/s/ BRENDA K. ELIAS  
Brenda K. Elias  
Rule Reviewer

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

Certified to the Secretary of State February 14, 2023.