



ADMINISTRATIVE RULES OF MONTANA



37.85.207 SERVICES NOT PROVIDED BY THE MEDICAID PROGRAM

- (1) Items or medical services not specifically included within these rules as covered benefits of the Montana Medicaid program are not reimbursable.
- (2) The following medical and nonmedical services are explicitly excluded from the Montana Medicaid program, except for those services specifically available, as listed in ARM 37.40.1406, 37.90.402, and Title 37, chapter 34, subchapter 9 to persons eligible for home and community-based services; and except for those Medicare covered services, as listed in ARM 37.83.812 to qualified Medicare beneficiaries for whom the Montana Medicaid program pays the Medicare premiums, deductible, and coinsurance:
 - (a) chiropractic services;
 - (b) acupuncture services;
 - (c) naturopathic services;
 - (d) dietician services;
 - (e) physical therapy aide services, except as provided in ARM 37.86.601, 37.86.605, 37.86.606, and 37.86.610;
 - (f) surgical technicians who are not physicians or mid-level practitioners;
 - (g) nutritional services;
 - (h) masseur or masseuse services;
 - (i) dietary supplements;
 - (j) homemaker services;
 - (k) telephone service in home, remodeling of home, plumbing service, car repair, and/or modification of automobile;
 - (l) delivery services not provided in a licensed health care facility or nationally accredited birthing center, except as set forth below in (i) and (ii) of this subsection. Delivery services means services necessary to protect the health and safety of the woman and fetus from the onset of labor through delivery. The following circumstances are an exception to the exclusion set forth in this subsection:
 - (i) delivery services occurring as an emergency service, as defined in ARM 37.82.102; and

- (ii) a planned home birth attended by a licensed nurse midwife or licensed direct-entry midwife, provided the circumstances of the delivery comply with the standards and requirements in ARM 24.111.617 and ARM 24.159.1477;
 - (m) treatment services for infertility, including sterilization reversals;
 - (n) experimental services;
 - (o) all invasive medical procedures undertaken for the purpose of weight reduction such as gastric bypass, gastric banding, or bariatric surgery, including all revisions; and
 - (p) circumcisions not authorized by the department as medically necessary.
- (3) Medical services furnished to Medicaid eligible recipients who are absent from the state are excluded from the Montana Medicaid program except for those medical services provided when:
- (a) there is a medical emergency and the recipient's health would be endangered if he were required to travel to Montana to obtain the medical services;
 - (b) the recipient travels to another state because the department finds the required medical services are not available in Montana; or it is determined by the department that it is general practice for recipients in a particular locality to use medical resources in another state;
 - (c) the recipient or his representative can demonstrate to the satisfaction of the department that out-of-state medical services and all related expenses will be less costly than in-state services; or
 - (d) the recipient is a child residing in another state for whom Montana makes adoption assistance or foster care maintenance payments.

Authorizing statute(s): 53-2-201, 53-6-113, 53-6-402, MCA

Implementing statute(s): 53-2-201, 53-6-101, 53-6-103, 53-6-116, 53-6-131, 53-6-141, 53-6-402, MCA

History: NEW, 1980 MAR p. 1793, Eff. 6/27/80; AMD, 1983 MAR p. 863, Eff. 7/15/83; AMD, 1985 MAR p. 250, Eff. 3/15/85; AMD, 1986 MAR p. 677, Eff. 4/25/86; AMD, 1987 MAR p. 895, Eff. 7/1/87; AMD, 1987 MAR p. 1688, Eff. 10/1/87; AMD, 1988 MAR p. 758, Eff. 4/15/88; AMD, 1988 MAR p. 1255, Eff. 7/1/88; AMD, 1989 MAR p. 835, Eff. 6/30/89; AMD, 1992 MAR p. 1401, Eff. 6/26/92; AMD, 1997 MAR p. 474, Eff. 3/11/97; AMD, 1997 MAR p. 548, Eff. 3/25/97; AMD, 1999 MAR p. 1301, Eff. 7/1/99; TRANS, from SRS, 2000 MAR p. 479; EMERG, AMD, 2003 MAR p. 999, Eff. 5/9/03; AMD, 2007 MAR p. 1680, Eff. 10/26/07; AMD, 2012 MAR p. 2625, Eff. 1/1/13; AMD, 2024 MAR p. 2278, Eff. 9/21/24.