



ADMINISTRATIVE RULES OF MONTANA

37.40.1487 HOME AND COMMUNITY-BASED SERVICES FOR ELDERLY AND PHYSICALLY DISABLED PERSONS: SPECIALIZED MEDICAL EQUIPMENT AND SUPPLIES, REQUIREMENTS

- (1) Specialized medical equipment and supplies is the provision of items of medical equipment and supplies to a recipient for the purpose of maintaining and improving the recipient's ability to reside at home and to function in the community.
- (2) The provision of medical equipment and supplies services may include:
 - (a) the provision of consultation regarding the appropriateness of the equipment or supplies; and
 - (b) the provision of supplies and care necessary to maintain a service animal.
- (3) Specialized medical equipment and supplies must:
 - (a) be functionally necessary and relate specifically to the recipient's disability;
 - (b) substantively meet the recipient's needs for accessibility, independence, health, or safety;
 - (c) be likely to improve the recipient's functional ability or the ability of a caregiver or service provider to maintain the recipient in the recipient's home; and
 - (d) be the most cost effective item that can meet the needs of the recipient.
- (4) Any particular item of medical equipment or supplies, except for an item or supply necessary to maintain a service animal, is limited to a one time purchase unless otherwise authorized by the department in writing.
- (5) Specialized medical equipment and supplies services do not include:
 - (a) items used for leisure and recreational purposes only;
 - (b) items of clothing;
 - (c) basic household furniture; or
 - (d) educational items including computers, software, and books unless such items are purchased in conjunction with an environmental control unit.
- (6) A service animal is an animal trained to undertake particular tasks on behalf of a recipient that the recipient can not perform and that are necessary to meet the recipient's needs for accessibility, independence, health, or safety.
- (7) A service animal does not include any of the following:
 - (a) pets, companion animals, and social therapy animals;

- (b) guard dogs, rescue dogs, sled dogs, tracking dogs, or any other animal not specifically designated as a service animal; or
 - (c) wild, exotic, or any other animals not specifically supplied by a training program on the approved provider list.
- (8) Supplies necessary for the performance of a service animal may include, but are not limited to, leashes, harness, backpack, and mobility cart when the supplies are specifically related to the performance of the service animal to meet the specific needs of the recipient. Supplies do not include food to maintain the service animals.
 - (9) Care necessary to the health and maintenance of a service animal may include, but is not limited to, veterinarian care, transportation for veterinarian care, license, registration, and where the recipient or recipient's primary care giver is unable to perform it, grooming.
 - (10) Certain items of medical equipment or supplies for short term use, as specified by the department, may be leased or rented instead of purchased.
 - (11) The department may require a consultation prior to the purchase of certain equipment and supplies.

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

Implementing statute(s): Sec. 53-6-402, MCA

History: NEW, 2000 MAR p. 2023, Eff. 7/28/00.