



ADMINISTRATIVE RULES OF MONTANA

37.90.401 HOME AND COMMUNITY-BASED SERVICES FOR ADULTS WITH SEVERE AND DISABLING MENTAL ILLNESS: FEDERAL AUTHORIZATION AND STATE ADMINISTRATION

- (1) The department has established the Severe and Disabling Mental Illness, Home and Community Based Services waiver program for members who have severe and disabling mental illness, as defined in ARM 37.90.409, and who would otherwise have to reside in and receive Medicaid reimbursed care in a nursing facility.
- (2) The department, in accordance with state and federal statutes, administrative rules, federal-state agreements governing the provision of the Medicaid funded home and community-based services delivered under this program, and within the available funding appropriated for the program, may determine within in its discretion:
 - (a) the types of services available through the program;
 - (b) the amount, scope, and duration of the services available through the program;
 - (c) the target population to be served through the program;
 - (d) the total number of members who may receive services through the program;
 - (e) delivery approach; and
 - (f) eligibility of members for the program.
- (3) Enrollment in the program and the provision of services through the program are at the discretion of the department. There is no legal entitlement to enroll in the program or to receive any or all the services available through the program.
- (4) The Severe and Disabling Mental Illness, Home and Community Based Services waiver program is referred to throughout this subchapter as "the SDMI HCBS waiver program" or "the waiver program."

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

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

History: NEW, 2006 MAR p. 2665, Eff. 10/27/06; AMD, 2010 MAR p. 1538, Eff. 6/25/10; AMD, 2012 MAR p. 1265, Eff. 7/1/12; AMD, 2020 MAR p. 1173, Eff. 7/1/20.