



ADMINISTRATIVE RULES OF MONTANA



37.34.1918 SERVICE REQUIREMENTS

- (1) Services are covered only when within the scope of the provider's license. All providers must comply with all applicable state and federal statutes, rules, and regulations.
- (2) Individuals receiving ABA services must meet the department's applicable initial and/or continuing eligibility criteria. The services delivered must meet all the following service requirements:
 - (a) The services must be approved by utilizing the processes, including the authorization process, outlined in the ABA Services manual. The ABA provider must satisfy the service requirements listed here and in the ABA Services manual.
 - (b) The services must be directed by a BCBA or BCBA-D. Some services may be provided by a BCaBA or an RBT if the BCaBA or RBT meets the qualifications of ARM 37.34.1930 and is supervised by the BCBA in accordance with 37-17-403 and 37-17-405, MCA.
 - (c) The services delivered must be consistent with the following elements as outlined in the Applied Behavior Analysis Practice Guidelines for the Treatment of Autism Spectrum Disorder: Guidance for Healthcare Funders, Regulatory Bodies, Service Providers, and Consumers, Third Edition:
 - (i) ABA core characteristics;
 - (ii) Essential practice elements; and
 - (iii) Assessment, formulation of treatment goals, and measurement of client progress.
 - (d) Services are delivered in compliance with the member's individualized treatment plan, developed within 30 calendar days of onset of services, and containing all the critical features listed in the Applied Behavior Analysis Practice Guidelines for the Treatment of Autism Spectrum Disorder: Guidance for Healthcare Funders, Regulatory Bodies, Service Providers, and Consumers, Third Edition.
 - (e) Services must be provided or supervised by the BCBA, BCBA-D, or BCaBA who wrote the treatment plan.
 - (f) Services must be provided to the member in person, with the provider and the member in the same physical location, unless specifically authorized in writing by the department.
- (3) ABA services may continue so long as the member does not meet any of the service exclusion criteria set forth in ARM 37.34.1912(3)(b).
- (4) In addition to the requirements outlined in this rule, the ABA Services manual sets forth requirements, request and review processes, and procedures for ABA services with which an ABA provider must comply.

Authorizing statute(s): 53-2-201, 53-6-113, 53-21-703, MCA

Implementing statute(s): 37-17-403, 53-1-601, 53-1-602, 53-2-201, 53-6-101, 53-21-701, 53-21-702, MCA

History: NEW, 2022 MAR p. 1850, Eff. 9/24/22; AMD, 2025 MAR, Notice No. 2025-276, Eff. 10/11/25.