



Montana Department of Public Health and Human Services
Section 1115 Demonstration Amendment/Extension
Fast-Track Extension Application for Program Changes

Montana Waiver for Additional Services and Populations (WASP)
Demonstration Program

October 20, 2023

**Montana Department of Public Health and Human Services
Section 1115 Demonstration Amendment Application**

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**Montana Department of Public Health and Human Services
Section 1115 Demonstration Amendment Application**

Proposed Demonstration Changes for the Extension Period

A. General Description

Summary of Proposed Changes

During the 2023 Montana Legislative Session, Senate Bill 516¹ "Provide for the preserving Fertility Act" was passed and signed into law by Governor Gianforte. This legislation requires the Montana Department of Public Health and Human Services (DPHHS) to add Medicaid and the Children's Health Insurance Program (CHIP), also known in Montana as Healthy Montana Kids (HMK), coverage for fertility preservation services for aged-eligible individuals diagnosed with cancer and the standard of care involves medical treatment that may directly or indirectly cause iatrogenic infertility.

In light of the statutory directive, Montana DPHHS seeks approval from the Centers for Medicare and Medicaid Services (CMS) to amend the Section 1115 Montana Waiver for Additional Services and Populations Demonstration Waiver to add fertility preservation services for age eligible Medicaid and CHIP/HMK enrolled members diagnosed with cancer effective January 1, 2024.

Goals and Objectives

Under Section 1115 of the Social Security Act, States may implement "experimental, pilot or demonstration projects which, in the judgment of the Secretary [of Health and Human Services] is likely to assist in promoting the objectives of [Medicaid]". The State believes this demonstration is likely to promote the objectives of Medicaid by improving participant health outcomes and quality of life. Providing these services will make it possible for Medicaid and CHIP/HMK eligible individuals who have been diagnosed with a form of cancer, and whose related treatment may cause a substantial risk of sterility or iatrogenic infertility (including surgery, radiation, or chemotherapy) to receive coverage for fertility preservation services.

B. Expenditure Authorities.

Montana is requesting expenditure authority under Section 1115 to provide fertility preservation services for Medicaid and CHIP/HMK eligible individuals between the age of 12 and 35 with an active diagnosis of cancer where the treatment would put them at risk for infertility. The requested expenditure authority promotes the objectives of Title XIX by improving health outcomes for Medicaid and CHIP/HMK populations.

This amendment request does not propose any additional waiver and expenditure authority changes to the WASP Demonstration Program beyond what is in the extension/renewal for the Section 1115 WASP approved on November 21, 2022.

Montana intends to continue to provide standard Medicaid benefits for up to 3,000 WMHSP individuals including 12 months continuous coverage. Additionally, the WASP will continue to cover individuals determined categorically eligible for ABD for dental treatment services above the Medicaid State Plan cap of \$1,125.

¹ SB 516 available at [SB0516.pdf \(mt.gov\)](https://leg.mt.gov/bills/2023/sb0516.pdf).

**Montana Department of Public Health and Human Services
Section 1115 Demonstration Amendment Application**

C. Waiver Authorities.

As directed by statute, DPHHS is seeking the addition of fertility preservation expenditure authority from its 1115 WASP approved on November 21, 2022, for age-eligible Medicaid and CHIP/HMK members diagnosed with cancer and the standard of care involves medical treatment that may directly or indirectly cause iatrogenic infertility.

The State requests the following proposed waiver and expenditure authority to operate the fertility preservation services under the WASP 1115 demonstration.

Waiver and Expenditure Authority	Reason and Use of Waiver
Section 1902(a)(10)(B)- Amount, Duration, and Scope of Services and Comparability	To enable the State to vary the amount, duration, and scope of services provided to individuals in the demonstration group.

D. Eligibility

Fertility preservation services included under this Demonstration are available to Medicaid and CHIP/HMK eligible individuals who are:

- diagnosed by a physician as having an active cancer diagnosis requiring treatment that may cause a substantial risk of sterility or iatrogenic infertility (infertility caused by cancer treatment); and
- between the ages of 12 and 35.

Medicaid and CHIP/HMK members will qualify for fertility preservation services outlined in this Demonstration based upon their medical need for services. Eligibility requirements will not differ from the approved Medicaid and CHIP State Plans, Alternative Benefit Plan and the WMHSP population receiving standard Medicaid through this 1115 waiver Demonstration. DPHHS is not proposing changes to Medicaid or CHIP/HMK eligibility standards in this Demonstration application.

The eligibility groups outlined in the table below will not be eligible for fertility preservations services as they receive limited Medicaid benefits only.

Eligibility Group Name	Social Security Act and CFR Citations
Qualified Medicare Beneficiaries (QMB)	1902(a)(10)(E)(i) 1905(p)
Specified Low Income Medicare Beneficiaries (SLMB)	1902(a)(10)(E)(iii)
Qualified Individual (QI) Program	1902(a)(19)(E)(iv)
Family Planning – Authorized through Montana’s Plan First §1115 Family Planning Demonstration	1902(a)(10)(A)(ii)(XXI)

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Projected Enrollment

The State is not proposing any changes to Medicaid eligibility requirements in the Section 1115 Demonstration change request. As such, the Demonstration is not expected to affect enrollment trends, which will continue to be determined largely by demographic changes and economic conditions. The projected enrollment for the demonstration population is approximately 35-40 Medicaid and 1-5 CHIP/HMK members per year will utilize the fertility preservation benefit. Members are limited to one benefit per lifetime.

E. Benefits and Cost Sharing

Benefits

If approved under this demonstration, qualified Medicaid and CHIP/HMK members will be eligible to receive the following services:

- Collection of eggs and sperm consistent with established medical practices or professional guidelines published by the American Society of Reproductive Medicine or the American Society of Clinical Oncology.

Under this amendment application, Montana intends to continue the following current Demonstration features including:

- Coverage of the Standard Medicaid benefits package for WMHSP.
 - Covered individuals age 18 or older with SDMI who are otherwise ineligible for Medicaid benefits and either:
 - Have income 0-138% of the FPL and are eligible for or enrolled in Medicare; or
 - Have income 139-150% of the FPL regardless of Medicare status.
 - 12-month continuous coverage for the WMHSP population.
- Dental treatment services above the dental treatment services annual cap outlined in the Medicaid State Plan for the ABD population. (Covered dental treatment services, excluding diagnostic, preventive, denture and anesthesia services for adults age 21 and over, are subject to the annual cap of \$1,125 in the State Plan.)

Cost Sharing

If approved under this demonstration, cost sharing/copayment requirements for Medicaid fertility preservation services will not differ from those provided under the Medicaid state plan. Montana does not require cost sharing or copayments for any Medicaid covered service.

Individuals enrolled in CHIP/HMK will be assessed copayments for fertility preservation services in line with the current approved CHIP/HMK state plan. Fertility preservation services are subject to annual deductibles and copayment provisions as applicable to hospital, medical, or surgical services covered under the state plan.

**Montana Department of Public Health and Human Services
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F. Delivery System.

The State does not propose any changes to the Medicaid health care delivery system. The new fertility preservation services for the demonstration individuals will be provided through the current fee for service (FFS) reimbursement system. All enrollees will continue to receive services through their current delivery system in the same manner under the state’s current state plan.

The State does not propose any changes to the CHIP/HMK health care delivery system. Fertility preservation services will be provided through the current Third Party Administrator (TPA) fee for service contract. All enrollees will continue to receive services through their current delivery system in the same manner under the state’s current state plan.

G. Budget/Allotment Neutrality.

Enrollment Projections and Annual Expenditures

Montana developed projections for the demonstration period based on state historical expenditures, as available, as well as anticipated cost and utilization trends. Below is the projected enrollment and expenditures for the remaining demonstration years:

	DY21 (2024)	DY22 (2025)	DY23 (2026)	DY24 (2027)
Medicaid Enrollment	15	15	16	16
Medicaid Expenditures	121,838	125,493	137,875	142,012
Expansion Enrollment	21	21	22	23
Expansion Expenditures	170,574	175,691	189,579	204,142
CHIP Enrollment	1	1	1	1
CHIP Expenditures	8,123	8,366	8,617	8,876

The projected fertility preservation enrollment and expenditures results in an estimated fiscal impact of \$1,301,185 for the remaining 4 demonstration years.

H. Evaluation.

The State will develop a plan for evaluating the hypothesis indicated below. Montana will identify validated performance measures that adequately assess the impact of these demonstrations to beneficiaries. The State will submit the revised evaluation design to CMS for approval. The State will conduct ongoing monitoring of this demonstration, and will provide information regarding monitoring activities in the required monitoring reports. The following hypothesis will be tested during the approval period.

Hypothesis	Anticipated Measure(s)	Data Sources	Evaluation Approach
This demonstration will allow individuals who are at risk for infertility due to cancer treatment to preserve their ability to have children in the future.	Number of individuals served under this demonstration	MMIS Data Warehouse	Montana will design quantitative and qualitative measures to include quasi-experimental comparisons.

**Montana Department of Public Health and Human Services
Section 1115 Demonstration Amendment Application**

I. Compliance with Public Notice Process

Public Notice Process

To be completed after state notice and public comment period concludes.

State Contact Person(s)

Please provide the contact information for the state's point of contact for this demonstration extension application.

Name: Mary Eve Kulawik
Title: Medicaid and CHIP State Plan Amendment & Waiver Coordinator
Agency: Department of Public Health and Human Services, Director's Office
Address: 111 North Sanders Street
PO Box 4210
City/State/Zip: Helena, MT 59601
Telephone Number: (406) 444-2584
Email Address: Mkulawik@mt.gov

Name: Mary LeMieux
Title: Member Health Management Bureau Chief
Agency: Department of Public Health and Human Services,
Health Resources Division
Address: 1400 Broadway
PO Box 202951
City/State/Zip: Helena, MT 59601
Telephone Number: (406) 444-4146
Email Address: mlemieux2@mt.gov

WASP Fertility Preservation Amendment Public Comments

September 12, 2023 CFHHS Interim Committee meeting:

Comment: Senator Gross, a CFHHS Interim Committee member indicated this amendment arises out of a bill she sponsored, and the legislature approved. She asked whether Montana will be the first state with such a waiver amendment and how confident the state is that it will be approved.

Response: The state of Utah has submitted an amendment to one of their 1115 waivers with similar requests. The Utah waiver was submitted in 2021 and still shows as “pending”. The Utah waiver covers more extensive services regarding fertility preservation than the Montana amendment does. It is unclear what the timeline will be for approval of this amendment. Montana may face challenges if we are setting a precedent as we negotiate STC’s (Special Terms and Conditions), review budget neutrality, etc. with CMS. However, DPHHS expressed confidence in receiving approval; it is just a matter of the length of the timeline to get there.

Comment: Senator Dunwell thanked DPHHS for “going out on a limb” to pursue this amendment. Young people who have been diagnosed with cancer and are undergoing treatment do not need the additional stress of wondering if they will still be able to have children in the future. Fertility preservation services will give them more reason to fight the disease.

Response: We thank the commentator for their support of this amendment.

September 15, 2023 Public Meeting:

Comment: Bobbie Will, Susan G. Komen Foundation asked what happens to fertility preservation after the 2028 waiver demonstration end date.

Response: Currently, DPHHS does not have any plans to terminate the WASP waiver. We have recently received an extension on the waiver that extends until 2028. At this time, the goal is to continue these services in the waiver, including fertility preservation, and request CMS approval to renew the waiver in 2028.

Email Responses:

Comment:

Thank you for the opportunity to provide feedback on the Montana Section 1115 WASP amendment adding fertility preservation.

The undersigned organizations advocate on behalf of more than 7,000 individuals in Montana who will be diagnosed with cancer and more than 2,000 that will die in 2023 alone. We support the proposed WASP amendment adding fertility preservation

Certain cancer treatments can directly or indirectly cause medically necessary induced infertility. Chemotherapy, radiation, and surgery can cause permanent damage to gametes, reproductive organs and/or endocrine functioning. For many cancer patients, fertility concerns are a major factor influencing their treatment decisions. Patients often have a short window of time to obtain the financial resources necessary to preserve fertility before starting potentially sterilizing cancer treatments.

Our organizations believe this proposal will promote the objectives of Medicaid by improving participant health outcomes and quality of life. The proposed amendment will allow eligible individuals who have been diagnosed with cancer, and whose related treatments may cause a substantial risk of sterility or iatrogenic infertility, to receive coverage for fertility preservation services.

Given the vital impact on the quality of life for cancer patients, our organizations support the proposed amendment.

Thank you for the opportunity to provide feedback.

Sincerely,

American Cancer Society, Cancer Support Community Montana, and Susan G. Komen

Response:

DPHHS appreciates the commenters support for this amendment and for supporting the population being represented in this amendment.

Comment:

Hello DPHHS,

I would like to provide this official public comment to support the January 2024 CMS Medicaid Waiver for Additional Services and Populations (WASP) Amendment to add fertility preservation for oncology patients.

During the legislative session, as a state Senator, I voted in favor of passage of SB 516, the bill leading to this waiver amendment. I believe and the legislature found that future fertility is a top quality of life priority for many young cancer patients and that the possibility of infertility may cause significant distress and grief during a time when cancer patients are also facing not only their diagnoses but also the prospects of treatment that may include surgery, chemotherapy, radiation, or a combination of those approaches.

The legislature further agreed that fertility preservation is medically necessary and considered part of the standard of care for age-eligible oncology patients.

Thank you for considering this public comment asking for the CMS Medicaid Waiver for Fertility Preservation for WASP.

Warm regards,

Mary Ann
Sen. Mary Ann Dunwell

Response: We thank this commenter for supporting DPHHS regarding this amendment and for supporting the population it is representing.

From: [Dunwell, Mary Ann](#)
To: [HHS DIR Public Comments](#)
Subject: [EXTERNAL] WASP Amendment Fertility Preservation--Public Comment
Date: Monday, October 16, 2023 2:00:35 PM

Hello DPHHS,

I would like to provide this official public comment to support the January 2024 CMS Medicaid Waiver for Additional Services and Populations (WASP) Amendment to add fertility preservation for oncology patients.

During the legislative session, as a state Senator, I voted in favor of passage of SB 516, the bill leading to this waiver amendment. I believe and the legislature found that future fertility is a top quality of life priority for many young cancer patients and that the possibility of infertility may cause significant distress and grief during a time when cancer patients are also facing not only their diagnoses but also the prospects of treatment that may include surgery, chemotherapy, radiation, or a combination of those approaches.

The legislature further agreed that fertility preservation is medically necessary and considered part of the standard of care for age-eligible oncology patients.

Thank you for considering this public comment asking for the CMS Medicaid Waiver for Fertility Preservation for WASP.

Warm regards,
Mary Ann

Sen. Mary Ann Dunwell

Montana SD 42, Helena/East Helena
(406) 461-5358 cell/text
MaryAnn.Dunwell@LegMT.Gov
FB MaryAnnDunwellforSD42
@MTMaryAnn

"When you must, you can."

-- Ukraine President Volodymyr Zelensky

Emails to and from legislators involving legislative business may be subject to public disclosure under the [Right to Know](#) provision of the Montana Constitution and [Title 2, Chapter 6, part 10, MCA](#). This may include the sender, recipient, content, and attachments.



August 17, 2023

The Honorable Harlan Baker
Chairman
Chippewa Cree Tribe
96 Clinic Road
Box Elder, MT 59521

Re: Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation Amendment Application

Dear Chairman Baker:

The Montana Department of Public Health and Human Services (DPHHS) is pleased to invite comment from all Tribal Governments, Urban Indian Health Organizations, and Indian Health Service (IHS) regarding the upcoming Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation amendment. DPHHS will be submitting the amendment for Centers for Medicare and Medicaid Services (CMS) approval on or before October 23, 2023, with a proposed effective date of January 1, 2024.

Under our agreement, DPHHS provides you notice of all Medicaid State Plan and Waiver changes. To aid your review, we have indicated whether there will be a direct impact on reimbursement or coverage for American Indians/Alaska Natives. **The WASP amendment will positively impact American Indians/Alaska Natives because it is an additional benefit for aged-eligible individuals diagnosed with cancer.**

Short History of the WASP

The WASP is a statewide section 1115 Medicaid demonstration waiver that was first approved in 1996. This waiver has historically provided an eligibility pathway for low-income individuals living with a severe mental illness (SMI) not otherwise eligible for Medicaid; and unlimited dental treatment services for Aged/Blind/Disabled Medicaid enrollees.

Current proposed actions:

During the 2023 Montana Legislative Session, Senate Bill 516 to "Provide for the Preserving Fertility Act," was passed and signed into law by Governor Gianforte (<https://dphhs.mt.gov/MontanaHealthcarePrograms/Medicaid/Medicaid1115Waiver/WaspAmendment>). This legislation requires DPHHS to add Medicaid and the Children's Health Insurance Program (CHIP), also known in Montana as Healthy Montana Kids (HMK), coverage for fertility preservation services for aged-eligible individuals diagnosed with cancer and the standard of care involves medical treatment that may directly or indirectly cause iatrogenic infertility.



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The Honorable Harlan Baker
Chairman
Chippewa Cree Tribe
96 Clinic Road
Box Elder, MT 59521

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Dear Chairman Baker:

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In light of the statutory directive, Montana DPHHS seeks approval from the CMS to amend the Section 1115 Montana WASP to add fertility preservation services for age eligible Medicaid and CHIP/HMK enrolled members diagnosed with cancer effective January 1, 2024.

In addition, a 60-day public comment period will be held regarding the proposed WASP amendment application from August 19 through October 17, 2023. The public comment period will include a hybrid in-person and electronic Zoom public hearing on September 15, 2023, to be held from 1:00 p.m. to 3:00 p.m. Mountain Time. More information on the WASP amendment and how to attend the public hearing in-person or register to attend electronically is available in the full public notice that is attached to this letter.

DPHHS is committed to an extensive public process. We want to provide you the opportunity to review the proposed action, understand the concepts, and offer comments. We invite your comments and questions on the WASP amendment emailed or postmarked **through October 17, 2023**. You may direct comments to Mary Eve Kulawik, Medicaid State Plan Amendment and Waiver Coordinator, at (406) 444-2584 or mkulawik@mt.gov; or Director's Office, PO Box 4210, Helena, MT 59604-4210.

Thank you.

Sincerely,



Miké Randol
Medicaid and Health Services Executive Director/State Medicaid Director

c: Joel Rosette, CEO, Rocky Boy Health Center
Misty Kuhl, Director, Governor's Office of Indian Affairs
Stephanie Iron Shooter, American Indian Health Director

Attachment: WASP Fertility Preservation Amendment Full Public Notice



August 17, 2023

The Honorable Frank White Clay
Chairman
Crow Nation
PO Box 159
Crow Agency, MT 59022

Re: Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation Amendment Application

Dear Chairman White Clay:

The Montana Department of Public Health and Human Services (DPHHS) is pleased to invite comment from all Tribal Governments, Urban Indian Health Organizations, and Indian Health Service (IHS) regarding the upcoming Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation amendment. DPHHS will be submitting the amendment for Centers for Medicare and Medicaid Services (CMS) approval on or before October 23, 2023, with a proposed effective date of January 1, 2024.

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Thank you.

Sincerely,



Medicaid and Health Services Executive Director/State Medicaid Director

c: LeeAnn Bruised Head, Director, Crow Tribal Health Department
Misty Kuhl, Director, Governor's Office of Indian Affairs
Stephanie Iron Shooter, American Indian Health Director

Attachment: WASP Fertility Preservation Amendment Full Public Notice



August 17, 2023

The Honorable Iliff "Scott" Kipp, Sr.
Chairman
Blackfeet Nation
PO Box 850
Browning, MT 59417

Re: Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation Amendment Application

Dear Chairman Kipp:

The Montana Department of Public Health and Human Services (DPHHS) is pleased to invite comment from all Tribal Governments, Urban Indian Health Organizations, and Indian Health Service (IHS) regarding the upcoming Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation amendment. DPHHS will be submitting the amendment for Centers for Medicare and Medicaid Services (CMS) approval on or before October 23, 2023, with a proposed effective date of January 1, 2024.

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Thank you.

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Medicaid and Health Services Executive Director/State Medicaid Director

c: Garland Stiffarm, Interim CEO, Blackfeet Nation Health Services
Misty Kuhl, Director, Governor's Office of Indian Affairs
Stephanie Iron Shooter, American Indian Health Director

Attachment: WASP Fertility Preservation Amendment Full Public Notice



August 17, 2023

The Honorable Floyd Azure
Chairman
Fort Peck Tribes
PO Box 1027
Poplar, MT 59255

Re: Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation Amendment Application

Dear Chairman Azure:

The Montana Department of Public Health and Human Services (DPHHS) is pleased to invite comment from all Tribal Governments, Urban Indian Health Organizations, and Indian Health Service (IHS) regarding the upcoming Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation amendment. DPHHS will be submitting the amendment for Centers for Medicare and Medicaid Services (CMS) approval on or before October 23, 2023, with a proposed effective date of January 1, 2024.

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Thank you.

Sincerely,



Mike Randol
Medicaid and Health Services Executive Director/State Medicaid Director

c: Dennis Four Bear, Director, Fort Peck Tribal Health Department
Misty Kuhl, Director, Governor's Office of Indian Affairs
Stephanie Iron Shooter, American Indian Health Director

Attachment: WASP Fertility Preservation Amendment Full Public Notice



August 17, 2023

The Honorable Tom McDonald
Chairman
Confederated Salish & Kootenai Tribes
PO Box 278
Pablo, MT 59855

Re: Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation Amendment Application

Dear Chairman McDonald:

The Montana Department of Public Health and Human Services (DPHHS) is pleased to invite comment from all Tribal Governments, Urban Indian Health Organizations, and Indian Health Service (IHS) regarding the upcoming Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation amendment. DPHHS will be submitting the amendment for Centers for Medicare and Medicaid Services (CMS) approval on or before October 23, 2023, with a proposed effective date of January 1, 2024.

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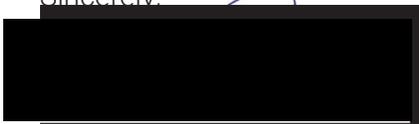
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Thank you.

Sincerely,



Mike Randol
Medicaid and Health Services Executive Director/State Medicaid Director

c: Joe Durglo, Department Head, Confederated Salish & Kootenai Tribal Health Department
Misty Kuhl, Director, Governor's Office of Indian Affairs
Stephanie Iron Shooter, American Indian Health Director

Attachment: WASP Fertility Preservation Amendment Full Public Notice



August 17, 2023

The Honorable Jeffrey "Jeff" Stiffarm
President
Fort Belknap Tribes
656 Agency Main Street
Harlem, MT 59526

Re: Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation Amendment Application

Dear President Stiffarm:

The Montana Department of Public Health and Human Services (DPHHS) is pleased to invite comment from all Tribal Governments, Urban Indian Health Organizations, and Indian Health Service (IHS) regarding the upcoming Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation amendment. DPHHS will be submitting the amendment for Centers for Medicare and Medicaid Services (CMS) approval on or before October 23, 2023, with a proposed effective date of January 1, 2024.

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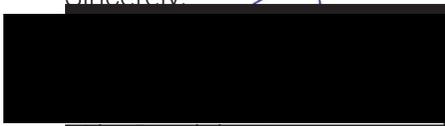
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Thank you.

Sincerely,



Mike Randol
Medicaid and Health Services Executive Director/State Medicaid Director

- c: Karen Yazzie, Director, Fort Belknap Tribal Health Department
- Misty Kuhl, Director, Governor's Office of Indian Affairs
- Stephanie Iron Shooter, American Indian Health Director

Attachment: WASP Fertility Preservation Amendment Full Public Notice



August 17, 2023

The Honorable Serena Wetherelt
President
Northern Cheyenne Tribe
PO Box 128
Lame Deer, MT 59043

Re: Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation Amendment Application

Dear President Wetherelt:

The Montana Department of Public Health and Human Services (DPHHS) is pleased to invite comment from all Tribal Governments, Urban Indian Health Organizations, and Indian Health Service (IHS) regarding the upcoming Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation amendment. DPHHS will be submitting the amendment for Centers for Medicare and Medicaid Services (CMS) approval on or before October 23, 2023, with a proposed effective date of January 1, 2024.

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Miké Randol
Medicaid and Health Services Executive Director/State Medicaid Director

c: Kayla Grinsell, Administrator, Northern Cheyenne Tribal Health Board
Misty Kuhl, Director, Governor's Office of Indian Affairs
Stephanie Iron Shooter, American Indian Health Director

Attachment: WASP Fertility Preservation Amendment Full Public Notice



August 17, 2023

The Honorable Gerald Gray
Chairman
Little Shell Tribe
511 Central Avenue W
Great Falls, MT 59404

Re: Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation Amendment Application

Dear Chairman Gray:

The Montana Department of Public Health and Human Services (DPHHS) is pleased to invite comment from all Tribal Governments, Urban Indian Health Organizations, and Indian Health Service (IHS) regarding the upcoming Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation amendment. DPHHS will be submitting the amendment for Centers for Medicare and Medicaid Services (CMS) approval on or before October 23, 2023, with a proposed effective date of January 1, 2024.

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Medicaid and Health Services Executive Director/State Medicaid Director

c: Molly Wendland, Director of Operations, Little Shell Tribe
Misty Kuhl, Director, Governor's Office of Indian Affairs
Stephanie Iron Shooter, American Indian Heath Director

Attachment: WASP Fertility Preservation Amendment Full Public Notice



August 17, 2023

Todd Wilson
Executive Director
Helena Indian Alliance
501 Euclid Avenue
Helena, MT 59601

Re: Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation Amendment Application

Dear Executive Director Wilson:

The Montana Department of Public Health and Human Services (DPHHS) is pleased to invite comment from all Tribal Governments, Urban Indian Health Organizations, and Indian Health Service (IHS) regarding the upcoming Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation amendment. DPHHS will be submitting the amendment for Centers for Medicare and Medicaid Services (CMS) approval on or before October 23, 2023, with a proposed effective date of January 1, 2024.

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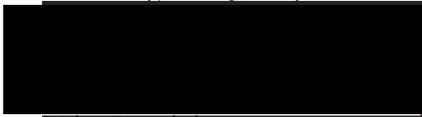
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Mike Randol
Medicaid and Health Services Executive Director/State Medicaid Director

c: Misty Kuhl, Director, Governor's Office of Indian Affairs
Stephanie Iron Shooter, American Indian Health Director

Attachment: WASP Fertility Preservation Amendment Full Public Notice



August 17, 2023

Rachel Arthur
Executive Director
Indian Family Health Clinic
1220 Central Avenue
Great Falls, MT 59401

Re: Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation Amendment Application

Dear Executive Director Arthur:

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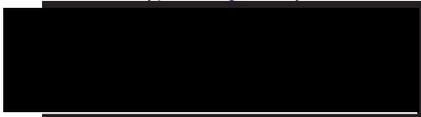
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Sincerely,



Mike Randol
Medicaid and Health Services Executive Director/State Medicaid Director

c: Misty Kuhl, Director, Governor's Office of Indian Affairs
Stephanie Iron Shooter, American Indian Health Director

Attachment: WASP Fertility Preservation Amendment Full Public Notice



August 17, 2023

Tina Randall
Executive Director
Butte Native Wellness Center
55 E. Galena St
Butte, MT 59701

Re: Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation Amendment Application

Dear Executive Director Randall:

The Montana Department of Public Health and Human Services (DPHHS) is pleased to invite comment from all Tribal Governments, Urban Indian Health Organizations, and Indian Health Service (IHS) regarding the upcoming Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation amendment. DPHHS will be submitting the amendment for Centers for Medicare and Medicaid Services (CMS) approval on or before October 23, 2023, with a proposed effective date of January 1, 2024.

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Mike Randol
Medicaid and Health Services Executive Director/State Medicaid Director

c: Misty Kuhl, Director, Governor's Office of Indian Affairs
Stephanie Iron Shooter, American Indian Health Director

Attachment: WASP Fertility Preservation Amendment Full Public Notice



August 17, 2023

Skye McGinty
Executive Director
All Nations Health Center
2100 Stephens Ave Ste 105
Missoula, MT 59801

Re: Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation Amendment Application

Dear Executive Director McGinty:

The Montana Department of Public Health and Human Services (DPHHS) is pleased to invite comment from all Tribal Governments, Urban Indian Health Organizations, and Indian Health Service (IHS) regarding the upcoming Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation amendment. DPHHS will be submitting the amendment for Centers for Medicare and Medicaid Services (CMS) approval on or before October 23, 2023, with a proposed effective date of January 1, 2024.

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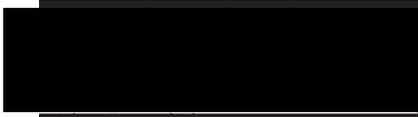
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Mike Randol
Medicaid and Health Services Executive Director/State Medicaid Director

c: Misty Kuhl, Director, Governor's Office of Indian Affairs
Stephanie Iron Shooter, American Indian Health Director

Attachment: WASP Fertility Preservation Amendment Full Public Notice



August 17, 2023

Leonard Smith
Chief Executive Officer
NADC-Billings Urban Indian Health & Wellness Center
1230 N. 30th St.
Billings, MT 59101

Re: Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation Amendment Application

Dear Chief Executive Officer Smith:

The Montana Department of Public Health and Human Services (DPHHS) is pleased to invite comment from all Tribal Governments, Urban Indian Health Organizations, and Indian Health Service (IHS) regarding the upcoming Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation amendment. DPHHS will be submitting the amendment for Centers for Medicare and Medicaid Services (CMS) approval on or before October 23, 2023, with a proposed effective date of January 1, 2024.

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MIKE RANDOL
Medicaid and Health Services Executive Director/State Medicaid Director

c: Misty Kuhl, Director, Governor's Office of Indian Affairs
Stephanie Iron Shooter, American Indian Health Director

Attachment: WASP Fertility Preservation Amendment Full Public Notice



August 17, 2023

Bryce Redgrave
Area Director
Billings Area Indian Health Service
PO Box 36600
Billings, MT 59107

Re: Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation Amendment Application

Dear Area Director Redgrave:

The Montana Department of Public Health and Human Services (DPHHS) is pleased to invite comment from all Tribal Governments, Urban Indian Health Organizations, and Indian Health Service (IHS) regarding the upcoming Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation amendment. DPHHS will be submitting the amendment for Centers for Medicare and Medicaid Services (CMS) approval on or before October 23, 2023, with a proposed effective date of January 1, 2024.

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In light of the statutory directive, Montana DPHHS seeks approval from the CMS to amend the Section 1115 Montana WASP to add fertility preservation services for age eligible Medicaid and CHIP/HMK enrolled members diagnosed with cancer effective January 1, 2024.

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Thank you.

Sincerely,



Mike Randol
Medicaid and Health Services Executive Director/State Medicaid Director

c: Misty Kuhl, Director, Governor's Office of Indian Affairs
Stephanie Iron Shooter, American Indian Health Director

Attachment: WASP Fertility Preservation Amendment Full Public Notice



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Miké Randol
Medicaid and Health Services Executive Director/State Medicaid Director

c: Joel Rosette, CEO, Rocky Boy Health Center
Misty Kuhl, Director, Governor's Office of Indian Affairs
Stephanie Iron Shooter, American Indian Health Director

Attachment: WASP Fertility Preservation Amendment Full Public Notice



August 17, 2023

The Honorable Frank White Clay
Chairman
Crow Nation
PO Box 159
Crow Agency, MT 59022

Re: Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation Amendment Application

Dear Chairman White Clay:

The Montana Department of Public Health and Human Services (DPHHS) is pleased to invite comment from all Tribal Governments, Urban Indian Health Organizations, and Indian Health Service (IHS) regarding the upcoming Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation amendment. DPHHS will be submitting the amendment for Centers for Medicare and Medicaid Services (CMS) approval on or before October 23, 2023, with a proposed effective date of January 1, 2024.

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Thank you.

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Mike Randol
Medicaid and Health Services Executive Director/State Medicaid Director

c: LeeAnn Bruised Head, Director, Crow Tribal Health Department
Misty Kuhl, Director, Governor's Office of Indian Affairs
Stephanie Iron Shooter, American Indian Health Director

Attachment: WASP Fertility Preservation Amendment Full Public Notice



August 17, 2023

The Honorable Iliff "Scott" Kipp, Sr.
Chairman
Blackfeet Nation
PO Box 850
Browning, MT 59417

Re: Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation Amendment Application

Dear Chairman Kipp:

The Montana Department of Public Health and Human Services (DPHHS) is pleased to invite comment from all Tribal Governments, Urban Indian Health Organizations, and Indian Health Service (IHS) regarding the upcoming Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation amendment. DPHHS will be submitting the amendment for Centers for Medicare and Medicaid Services (CMS) approval on or before October 23, 2023, with a proposed effective date of January 1, 2024.

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Thank you.

Sincerely,



Mike Randol
Medicaid and Health Services Executive Director/State Medicaid Director

- c: Garland Stiffarm, Interim CEO, Blackfeet Nation Health Services
- Misty Kuhl, Director, Governor's Office of Indian Affairs
- Stephanie Iron Shooter, American Indian Health Director

Attachment: WASP Fertility Preservation Amendment Full Public Notice



August 17, 2023

The Honorable Floyd Azure
Chairman
Fort Peck Tribes
PO Box 1027
Poplar, MT 59255

Re: Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation Amendment Application

Dear Chairman Azure:

The Montana Department of Public Health and Human Services (DPHHS) is pleased to invite comment from all Tribal Governments, Urban Indian Health Organizations, and Indian Health Service (IHS) regarding the upcoming Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation amendment. DPHHS will be submitting the amendment for Centers for Medicare and Medicaid Services (CMS) approval on or before October 23, 2023, with a proposed effective date of January 1, 2024.

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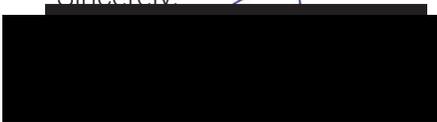
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Thank you.

Sincerely,



Mike Randol
Medicaid and Health Services Executive Director/State Medicaid Director

c: Dennis Four Bear, Director, Fort Peck Tribal Health Department
Misty Kuhl, Director, Governor's Office of Indian Affairs
Stephanie Iron Shooter, American Indian Health Director

Attachment: WASP Fertility Preservation Amendment Full Public Notice



August 17, 2023

The Honorable Tom McDonald
Chairman
Confederated Salish & Kootenai Tribes
PO Box 278
Pablo, MT 59855

Re: Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation Amendment Application

Dear Chairman McDonald:

The Montana Department of Public Health and Human Services (DPHHS) is pleased to invite comment from all Tribal Governments, Urban Indian Health Organizations, and Indian Health Service (IHS) regarding the upcoming Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation amendment. DPHHS will be submitting the amendment for Centers for Medicare and Medicaid Services (CMS) approval on or before October 23, 2023, with a proposed effective date of January 1, 2024.

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Mike Randol
Medicaid and Health Services Executive Director/State Medicaid Director

c: Joe Durglo, Department Head, Confederated Salish & Kootenai Tribal Health Department
Misty Kuhl, Director, Governor's Office of Indian Affairs
Stephanie Iron Shooter, American Indian Health Director

Attachment: WASP Fertility Preservation Amendment Full Public Notice



August 17, 2023

The Honorable Jeffrey "Jeff" Stiffarm
President
Fort Belknap Tribes
656 Agency Main Street
Harlem, MT 59526

Re: Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation Amendment Application

Dear President Stiffarm:

The Montana Department of Public Health and Human Services (DPHHS) is pleased to invite comment from all Tribal Governments, Urban Indian Health Organizations, and Indian Health Service (IHS) regarding the upcoming Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation amendment. DPHHS will be submitting the amendment for Centers for Medicare and Medicaid Services (CMS) approval on or before October 23, 2023, with a proposed effective date of January 1, 2024.

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Thank you.

Sincerely,



Medicaid and Health Services Executive Director/State Medicaid Director

c: Karen Yazzie, Director, Fort Belknap Tribal Health Department
Misty Kuhl, Director, Governor's Office of Indian Affairs
Stephanie Iron Shooter, American Indian Health Director

Attachment: WASP Fertility Preservation Amendment Full Public Notice



August 17, 2023

The Honorable Serena Wetherelt
President
Northern Cheyenne Tribe
PO Box 128
Lame Deer, MT 59043

Re: Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation Amendment Application

Dear President Wetherelt:

The Montana Department of Public Health and Human Services (DPHHS) is pleased to invite comment from all Tribal Governments, Urban Indian Health Organizations, and Indian Health Service (IHS) regarding the upcoming Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation amendment. DPHHS will be submitting the amendment for Centers for Medicare and Medicaid Services (CMS) approval on or before October 23, 2023, with a proposed effective date of January 1, 2024.

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Thank you.

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Miké Randol
Medicaid and Health Services Executive Director/State Medicaid Director

c: Kayla Grinsell, Administrator, Northern Cheyenne Tribal Health Board
Misty Kuhl, Director, Governor's Office of Indian Affairs
Stephanie Iron Shooter, American Indian Health Director

Attachment: WASP Fertility Preservation Amendment Full Public Notice



August 17, 2023

The Honorable Gerald Gray
Chairman
Little Shell Tribe
511 Central Avenue W
Great Falls, MT 59404

Re: Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation Amendment Application

Dear Chairman Gray:

The Montana Department of Public Health and Human Services (DPHHS) is pleased to invite comment from all Tribal Governments, Urban Indian Health Organizations, and Indian Health Service (IHS) regarding the upcoming Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation amendment. DPHHS will be submitting the amendment for Centers for Medicare and Medicaid Services (CMS) approval on or before October 23, 2023, with a proposed effective date of January 1, 2024.

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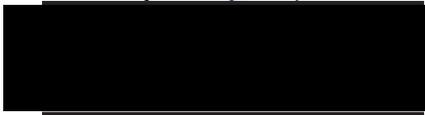
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Thank you.

Sincerely,



Mike Randol
Medicaid and Health Services Executive Director/State Medicaid Director

c: Molly Wendland, Director of Operations, Little Shell Tribe
Misty Kuhl, Director, Governor's Office of Indian Affairs
Stephanie Iron Shooter, American Indian Heath Director

Attachment: WASP Fertility Preservation Amendment Full Public Notice



August 17, 2023

Todd Wilson
Executive Director
Helena Indian Alliance
501 Euclid Avenue
Helena, MT 59601

Re: Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation Amendment Application

Dear Executive Director Wilson:

The Montana Department of Public Health and Human Services (DPHHS) is pleased to invite comment from all Tribal Governments, Urban Indian Health Organizations, and Indian Health Service (IHS) regarding the upcoming Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation amendment. DPHHS will be submitting the amendment for Centers for Medicare and Medicaid Services (CMS) approval on or before October 23, 2023, with a proposed effective date of January 1, 2024.

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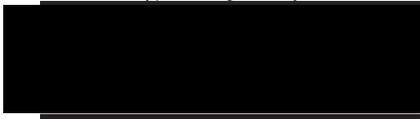
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Thank you.

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Mike Randol
Medicaid and Health Services Executive Director/State Medicaid Director

c: Misty Kuhl, Director, Governor's Office of Indian Affairs
Stephanie Iron Shooter, American Indian Health Director

Attachment: WASP Fertility Preservation Amendment Full Public Notice



August 17, 2023

Rachel Arthur
Executive Director
Indian Family Health Clinic
1220 Central Avenue
Great Falls, MT 59401

Re: Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation Amendment Application

Dear Executive Director Arthur:

The Montana Department of Public Health and Human Services (DPHHS) is pleased to invite comment from all Tribal Governments, Urban Indian Health Organizations, and Indian Health Service (IHS) regarding the upcoming Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation amendment. DPHHS will be submitting the amendment for Centers for Medicare and Medicaid Services (CMS) approval on or before October 23, 2023, with a proposed effective date of January 1, 2024.

Under our agreement, DPHHS provides you notice of all Medicaid State Plan and Waiver changes. To aid your review, we have indicated whether there will be a direct impact on reimbursement or coverage for American Indians/Alaska Natives. **The WASP amendment will positively impact American Indians/Alaska Natives because it is an additional benefit for aged-eligible individuals diagnosed with cancer.**

Short History of the WASP

The WASP is a statewide section 1115 Medicaid demonstration waiver that was first approved in 1996. This waiver has historically provided an eligibility pathway for low-income individuals living with a severe mental illness (SMI) not otherwise eligible for Medicaid; and unlimited dental treatment services for Aged/Blind/Disabled Medicaid enrollees.

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In light of the statutory directive, Montana DPHHS seeks approval from the CMS to amend the Section 1115 Montana WASP to add fertility preservation services for age eligible Medicaid and CHIP/HMK enrolled members diagnosed with cancer effective January 1, 2024.

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DPHHS is committed to an extensive public process. We want to provide you the opportunity to review the proposed action, understand the concepts, and offer comments. We invite your comments and questions on the WASP amendment emailed or postmarked **through October 17, 2023**. You may direct comments to Mary Eve Kulawik, Medicaid State Plan Amendment and Waiver Coordinator, at (406) 444-2584 or mkulawik@mt.gov; or Director's Office, PO Box 4210, Helena, MT 59604-4210.

Thank you.

Sincerely,



Mike Randol
Medicaid and Health Services Executive Director/State Medicaid Director

c: Misty Kuhl, Director, Governor's Office of Indian Affairs
Stephanie Iron Shooter, American Indian Health Director

Attachment: WASP Fertility Preservation Amendment Full Public Notice



August 17, 2023

Tina Randall
Executive Director
Butte Native Wellness Center
55 E. Galena St
Butte, MT 59701

Re: Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation Amendment Application

Dear Executive Director Randall:

The Montana Department of Public Health and Human Services (DPHHS) is pleased to invite comment from all Tribal Governments, Urban Indian Health Organizations, and Indian Health Service (IHS) regarding the upcoming Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation amendment. DPHHS will be submitting the amendment for Centers for Medicare and Medicaid Services (CMS) approval on or before October 23, 2023, with a proposed effective date of January 1, 2024.

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Stephanie Iron Shooter, American Indian Health Director

Attachment: WASP Fertility Preservation Amendment Full Public Notice



August 17, 2023

Skye McGinty
Executive Director
All Nations Health Center
2100 Stephens Ave Ste 105
Missoula, MT 59801

Re: Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation Amendment Application

Dear Executive Director McGinty:

The Montana Department of Public Health and Human Services (DPHHS) is pleased to invite comment from all Tribal Governments, Urban Indian Health Organizations, and Indian Health Service (IHS) regarding the upcoming Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation amendment. DPHHS will be submitting the amendment for Centers for Medicare and Medicaid Services (CMS) approval on or before October 23, 2023, with a proposed effective date of January 1, 2024.

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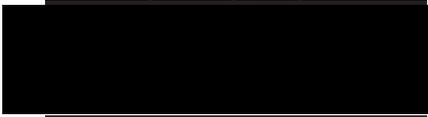
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Medicaid and Health Services Executive Director/State Medicaid Director

c: Misty Kuhl, Director, Governor's Office of Indian Affairs
Stephanie Iron Shooter, American Indian Health Director

Attachment: WASP Fertility Preservation Amendment Full Public Notice



August 17, 2023

Leonard Smith
Chief Executive Officer
NADC-Billings Urban Indian Health & Wellness Center
1230 N. 30th St.
Billings, MT 59101

Re: Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation Amendment Application

Dear Chief Executive Officer Smith:

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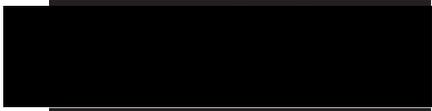
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Thank you.

Sincerely,



Mike Randor
Medicaid and Health Services Executive Director/State Medicaid Director

c: Misty Kuhl, Director, Governor's Office of Indian Affairs
Stephanie Iron Shooter, American Indian Health Director

Attachment: WASP Fertility Preservation Amendment Full Public Notice



August 17, 2023

Bryce Redgrave
Area Director
Billings Area Indian Health Service
PO Box 36600
Billings, MT 59107

Re: Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation Amendment Application

Dear Area Director Redgrave:

The Montana Department of Public Health and Human Services (DPHHS) is pleased to invite comment from all Tribal Governments, Urban Indian Health Organizations, and Indian Health Service (IHS) regarding the upcoming Montana Section 1115 Waiver for Additional Services and Populations (WASP) Fertility Preservation amendment. DPHHS will be submitting the amendment for Centers for Medicare and Medicaid Services (CMS) approval on or before October 23, 2023, with a proposed effective date of January 1, 2024.

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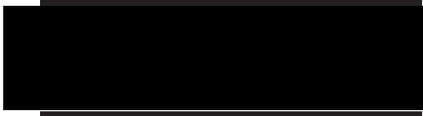
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Thank you.

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Medicaid and Health Services Executive Director/State Medicaid Director

c: Misty Kuhl, Director, Governor's Office of Indian Affairs
Stephanie Iron Shooter, American Indian Health Director

Attachment: WASP Fertility Preservation Amendment Full Public Notice



CANCER SUPPORT
COMMUNITY
MONTANA



October 16, 2023

Ms. Mary Eve Kulawik
Medicaid WASP Waiver Amendment
Department of Public Health and Human Services
111 North Sanders Street | P.O. Box 4210
Helena, MT 59601

**RE: Montana Section 1115 Waiver for Additional Services and Populations (WASP)
Amendment Adding Fertility Preservation**

Dear Ms. Kulawik,

Thank you for the opportunity to provide feedback on the Montana Section 1115 WASP amendment adding fertility preservation.

The undersigned organizations advocate on behalf of the more than 7,000 individuals in Montana who will be diagnosed with cancer and the more than 2,000 that will die in 2023 alone. We support the proposed WASP amendment adding fertility preservation.

Certain cancer treatments can directly or indirectly cause medically necessary induced infertility. Chemotherapy, radiation, and surgery can cause permanent damage to gametes, reproductive organs and/or endocrine functioning. For many cancer patients, fertility concerns are a major factor influencing their treatment decisions. Patients often have a short window of time to obtain the financial resources necessary to preserve fertility before starting potentially sterilizing cancer treatments.

Our organizations believe this proposal will promote the objectives of Medicaid by improving participant health outcomes and quality of life. The proposed amendment will allow eligible individuals who have been diagnosed with cancer, and whose related treatments may cause a substantial risk of sterility or iatrogenic infertility, to receive coverage for fertility preservation services.

Given the vital impact on the quality of life for cancer patients, our organizations support the proposed amendment.

Thank you for the opportunity to provide feedback.

Sincerely,
American Cancer Society, Cancer Support Community Montana, and Susan G. Komen



Date: August 18, 2023

To: Montana Children, Families, Health, and Human Services Interim Committee

From:  Mike Randol, Medicaid and Health Services Executive Director/Medicaid State Director

Subject: Montana Section 1115 Waiver for Additional Services and Populations (WASP)
Fertility Preservation Amendment Application

This memorandum is to inform you that, on or before October 23, 2023, the Montana Department of Public Health and Human Services (DPHHS) will submit, to the Centers for Medicare & Medicaid Services (CMS), an application for approval of an amendment to the Medicaid 1115 Waiver for Additional Services and Populations (WASP), with a proposed effective date of January 1, 2024.

Section 53-2-215(18), MCA, requires DPHHS to present a section 1115 waiver proposal to the Children, Families, Health, and Human Services Interim Committee for review and comment at a public hearing, prior to the submission of the proposal to the federal government. Accordingly, DPHHS requests the Committee include this matter on the agenda for its September 12, 2023, meeting.

Short History of the WASP

The WASP is a statewide section 1115 Medicaid demonstration waiver that was first approved in 1996. This waiver has historically provided an eligibility pathway for low-income individuals living with a severe mental illness (SMI) not otherwise eligible for Medicaid; and unlimited dental treatment services for Aged/Blind/Disabled Medicaid enrollees.

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Attachment: WASP Amendment Full Public Notice



Date: August 18, 2023

To: Montana Health Coalition Members, Ad Hoc Members, and Interested Parties

From:  Mike Randol, Medicaid and Health Services Executive Director/Medicaid State Director

Subject: Montana Section 1115 Waiver for Additional Services and Populations (WASP)
Fertility Preservation Amendment Application

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GREG GIANFORTE
GOVERNOR



DEPARTMENT OF
**PUBLIC HEALTH &
HUMAN SERVICES**

CHARLIE BRERETON
DIRECTOR

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Date: August 18, 2023

To: Montana Waiver for Additional Services and Populations Stakeholders

From:  Mike Randol, Medicaid and Health Services Executive Director/Medicaid State Director

Subject: Montana Section 1115 Waiver for Additional Services and Populations (WASP)
Fertility Preservation Amendment Application

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Thank you.

Attachment: WASP Amendment Full Public Notice

Export as iCal RSS Links

Agency:

Statewide (statewide) ▼

Select

◀ **September** ▶

Mo	Tu	We	Th	Fr	Sa	Su	
28	29	30	31	1	2	3	wk
4	5	6	7	8	9	10	wk
11	12	13	14	15	16	17	wk
18	19	20	21	22	23	24	wk
25	26	27	28	29	30	1	wk

Month:

September ▼

Year:

2023 ▼

Go

◀ **September, 15 2023** ▶

Title 2024 WASP Fertility Preservation Amendment Public Hearing
Date 2023/09/15 - 2023/09/15
Time 01:00 PM - 03:00 PM
Location 111 North Sanders Street, Room 107, Helena, MT & via Zoom
Contact name Mary Eve Kulawik
Contact phone (406) 444-2584
Contact email mkulawik@mt.gov
Event type Standard event
Event status Handicap access
Hearing impaired
Author Zach Burke

Attachment(s):

File

[Abbreviated Public Notice MT 1115 WASP Demonstration Amendment 8.17.2023 \(002\).pdf](#)

[Public Hearing Agenda MT 1115 WASP Demonstration Amendment.pdf](#)

Montana Section 1115 Waiver for Additional Services and Populations
(WASP) Demonstration Waiver

January 2024 Amendment Submission

Effective Date: January 1, 2024

PUBLIC NOTICE SCHEDULE

Public Comment Period:

August 19, 2023 – October 17, 2023

All Public Notice and Tribal Consultation documents referred to below are posted on the webpage:
<https://dphhs.mt.gov/MontanaHealthcarePrograms/Medicaid/Medicaid1115Waiver/WaspAmendment>

Public Hearing

The public is invited to participate in-person or electronically via Zoom to a hybrid public hearing regarding the demonstration application.

The public hearing will be held Friday, September 15, 2023 from 1:00 p.m. to 3:00 p.m. Mountain Time. Please [REGISTER](#) to attend.

After registering, you will receive a confirmation email containing information about joining the meeting. If special accommodations are needed, contact Mary Eve Kulawik at (406) 444-2584 or mkulawik@mt.gov.

Comments and questions may be submitted by the following methods:

- By US Mail:
Medicaid WASP Waiver Amendment
Department of Public Health and Human Services, Director's Office 111 North Sanders Street
PO Box 4210 Helena MT 59604 c/o Mary Eve Kulawik
- By telephone: (406) 444-2584
- By electronic mail: dphhscomments@mt.gov

You will also have opportunity to officially comment during the federal public comment period after the Centers for Medicare & Medicaid Services (CMS) finds the application and public notice requirements met.

PUBLIC NOTICE SCHEDULE

Postings not listing a location to post, will post at

<https://dphhs.mt.gov/MontanaHealthcarePrograms/Medicaid/Medicaid1115Waiver/WaspAmendment>

DATE	NECESSARY ACTION
On or Before August 18, 2023	<ol style="list-style-type: none"> 1. Send Revised Public Notice/Public Input Schedule to CMS. 2. Post Public Notice Schedule. 3. Post Explanation of Public Notice Process.
On or Before August 18, 2023	<ol style="list-style-type: none"> 1. Send Tribal Consultation letters to Tribes informing them of 60-day public comment period, inviting their input at the Montana Public Hearing held virtually and in-person on September 15, 2023, and informing them of where to find information online and the opportunity to submit comments. 2. Post unsigned Tribal Consultation letter.
On or Before August 18, 2023	<ol style="list-style-type: none"> 1. Send Montana Health Coalition electronic memo informing them of 60-day public comment period, inviting their input at the hybrid Montana Public Hearing held on September 15, 2023, and informing them of where to find information online and the opportunity to submit comments; 2. Post the Health Coalition memo to the Health Coalition webpage, and 3. Post unsigned Health Coalition memo on the WASP Amendment webpage.
On or Before August 18, 2023	<ol style="list-style-type: none"> 1. Send WASP Mental Health Services Plan (MHSP) Stakeholders electronic memo informing them of 60-day public comment period, inviting their input at the hybrid Montana Public Hearing held on September 15, 2023, and informing them of where to find information online and the opportunity to submit comments; and 2. Post unsigned MHSP Stakeholders memo.
On or Before August 18, 2023	Send Children, Families, Health and Human Services Interim Committee electronic memo informing them of 60-day public comment period, inviting their input at the hybrid amendment public hearing held on September 15, 2023, and informing them of where to find information online and the opportunity to submit comments.
On or Before August 18, 2023	Post notice of public hearing on the state's e-calendar.
On or Before August 18, 2023	<ol style="list-style-type: none"> 1. Publish Newspaper Public Notice that is the Abbreviated Public Notice in 3 largest Montana newspapers: <i>Missoulian</i> (Missoula, MT); <i>Billings Gazette</i> (Billings, MT); and the <i>Independent Record</i> (Helena, MT); and 2. Post text of the Newspaper Public Notice online.
On or Before August 18, 2023	Post all remaining pre-start of Public Notice Documents <ul style="list-style-type: none"> • Full Approved Public Notice • Abbreviated Public Notice • Preliminary Draft Application
On or Before August 18, 2023	Post the link to the January 1, 2024 WASP Fertility Preservation Amendment webpage on the following webpages: <ol style="list-style-type: none"> 1. DPHHS Public Notices webpage; and

DATE	NECESSARY ACTION
	2. Medicaid State Plan and Waiver Amendment Public Notices webpage
August 19, 2023	Begin the state 60-day Public Comment Period and CMS-required 30-day State comment period. Begins on August 19, 2023, and ends on October 17, 2023.
September 1, 2023	Post the WASP amendment agenda and handout for the hybrid public hearing held on September 15, 2023.
September 5, 2023	Post the link to the Children, Families, Health and Human Services Interim Committee September 12, 2023 Meeting webpage .
September 15, 2023	Hold WASP amendment hybrid public hearing with Zoom capabilities. To be held September 15, 2023, 1:00 p.m. to 3:00 p.m.
September 15, 2023	Post the number of attendees for the September 15, 2023 public hearing.
On or before September 22, 2023	Obtain State Medicaid Director signed cover letter for application submission.
October 17, 2023	End of 60-day Public Comment Period
ASAP after Public Notice Period	Complete: <ol style="list-style-type: none"> 1. Final Comprehensive Description of the Demonstration and 2. Compliance with Public Notice Document 3. Clean Final Application
On or before October 20, 2023	Post: <ol style="list-style-type: none"> 1. Final Comprehensive Description of the Demonstration. 2. Compliance with the Public Notice Process document. 3. Redline Version of Preliminary Application showing changes made based on public comment. 4. Clean version of Final Application including cover page, cover letter, comments received, and responses given. 5. CMS Website for Section 1115 Waivers and Public Notice: Section 1115 Demonstrations Medicaid.
On or before October 20, 2023	Prepare both electronic and paper versions of Application Packet with cover letter.
On October 20, 2023	Submit both electronic and paper version of Application Packet to CMS.
Following CMS findings of a complete waiver application	<ol style="list-style-type: none"> 1. Post the CMS completeness letter for the January 1, 2024 WASP Fertility Preservation Amendment application; and 2. Observe the federal 30-day public comment period.
January 1, 2024	Fertility Preservation Amendment Effective Date



Montana Department of Public Health and Human Services (DPHHS)

Waiver for Additional Services and Populations (WASP)
Demonstration Amendment Adding Fertility Preservation Services Hybrid Public Hearing

September 15, 2023, 1:00 p.m. to 3:00 p.m.

111 North Sanders Street, Room 107, Helena, MT

WELCOME & ZOOM LOGISTICS

Zoom Overview:

- Participants are joining by computer and phone.
- Everyone will be automatically muted upon entry.

Closed Captioning

- Live closed captioning is available – you can click the CC box at the bottom of the Zoom box

Submitting Public Comments

- Chat Function
 - Use the chat function to submit questions and public comments.
 - All information and questions received through the chat function will be recorded as public comments.
- Spoken
 - Telephone and computer participants will have the opportunity to submit public comments in the last half of the meeting (more details will be shared about how to “raise your hand” & “unmute” yourself at that time).
- The public hearing will be recorded.

AGENDA for Public Hearing

1. Background/Overview
2. Information on the Waiver Fertility Preservation Amendment
3. Timeline and Submission of Public Comment

Montana Section 1115 Waiver for Additional Services and Populations (WASP) Demonstration
Waiver
January 2024 Fertility Preservation Amendment Submission
Effective Date: January 1, 2024

FULL PUBLIC NOTICE

Pursuant to 42 C.F.R. Section 431.408, public notice is hereby given to the submission of a Medicaid proposed demonstration amendment request of the Montana Waiver for Additional Services and Populations (WASP), effective January 1, 2024.

PUBLIC COMMENT PERIOD
August 19, 2023 – October 17, 2023

Location and Internet Address of
Demonstration Application for Public Comment and Review

Documents are available for public review on the Fertility Preservation Amendment webpage: <https://dphhs.mt.gov/MontanaHealthcarePrograms/Medicaid/Medicaid1115Waiver/WaspAmendment>.

One hybrid public hearing will be held regarding the demonstration application on Friday, September 15, 2023, from 1:00 p.m. to 3:00 p.m. Mountain Time.

To attend in-person, please come to 111 North Sanders Street, Room 107.

To attend via Zoom, you can register for the public hearing at <https://dphhs.mt.gov/MontanaHealthcarePrograms/Medicaid/Medicaid1115Waiver/WaspAmendment>. After registering, you will receive a confirmation email containing information about joining the meeting. If special accommodations are needed, contact Mary Eve Kulawik at (406) 444-2584 or mkulawik@mt.gov.

- Public Input and Comments are welcome from August 19, 2023, through October 17, 2023. Comments and questions may be directed to the following:
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Helena, MT 59604-4210
c/o Mary Eve Kulawik
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 - By electronic mail: dphhscomments@mt.gov; and
 - You will also have opportunity to officially comment during the federal public comment period after CMS finds the application and public notice requirements met. The location to make these comments can be found online at the CMS website: <https://www.medicaid.gov/medicaid/section->

[1115demo/demonstration-and-waiver-list/index.html](https://www.medicare.gov/medicaid/section-1115demo/demonstration-and-waiver-list/index.html).

Public Notice and Public Input Process

On or before August 19, 2023, Montana will publish, in the state's three largest newspapers, the *Billings Gazette*, the *Helena Independent Record*, and the *Missoulian*, an announcement of the Montana Department of Public Health Human Services (DPHHS) planned submission of an amendment adding Fertility Preservation services to the Section 1115 WASP Medicaid Waiver for approval to the Centers for Medicare and Medicaid Services (CMS).

This announcement summarizes the proposed demonstration waiver amendment and extends an invitation for the public to review pertinent information posted on the Department website at <https://dphhs.mt.gov/MontanaHealthcarePrograms/Medicaid/Medicaid1115Waiver/WaspAmendment>. The announcement further invites public comment, between August 19, 2023, and October 17, 2023, via the contact information listed. Also on or before August 19, 2023, Montana will post an announcement of the Montana Section 1115 WASP January 2024 Amendment Submission to the Montana DPHHS Medicaid and CHIP State Plan Amendment and Waiver Public Notice page at: <https://dphhs.mt.gov/montanahealthcareprograms/medicaidstateplanamendmentpublicnotices>.

This announcement will link directly to the specific WASP webpage <https://dphhs.mt.gov/MontanaHealthcarePrograms/Medicaid/Medicaid1115Waiver/WaspAmendment> where copies of the public notice documents will be available for review. In addition to these public notifications, Montana will also notify the public of the planned submission and location to find more information by sending memos to Montanan's Medicaid medical advisory committee (Montana Health Coalition), Mental Health Savings Plan (MHSP) stakeholders, the Children and Families Health and Human Services Interim Committee and posting the information on the state's e-calendar, all on or before the first day of the public notice period.

At the end of the public input period, Montana will post a summary of comments received and actions taken because of those comments. If the comments received stimulate a change to the Amendment Application, Montana will post the Preliminary Amendment Application, including Budget Neutrality projections, with redline changes, and then also post the finalized version of the amendment application.

You will also have opportunity to officially comment during the federal public comment period after CMS finds the application and public notice requirements met. The location to make these comments can be found on-line at the CMS website: <https://www.medicare.gov/medicaid/section-1115demo/demonstration-and-waiver-list/index.html>.

Summary of Proposed Changes

During the 2023 Montana Legislative Session, Senate Bill 516 to "Provide for the preserving Fertility Act," was passed and signed into law by Governor Gianforte (<https://dphhs.mt.gov/MontanaHealthcarePrograms/Medicaid/Medicaid1115Waiver/WaspAmendment>). This legislation requires the Montana Department of Public Health and Human Services (DPHHS) to add Medicaid and the Children's Health Insurance Program (CHIP), also known in Montana as Healthy Montana Kids (HMK), coverage for fertility preservation services for aged-eligible individuals diagnosed with cancer and the standard of care involves medical treatment that may directly or indirectly cause iatrogenic infertility.

In light of the statutory directive, Montana DPHHS seeks approval from the CMS to amend the Section 1115 Montana WASP to add fertility preservation services for age eligible Medicaid and CHIP/HMK enrolled members diagnosed with cancer effective January 1, 2024.

Goals and Objectives

Under Section 1115 of the Social Security Act, States may implement “experimental, pilot or demonstration projects which, in the judgment of the Secretary [of Health and Human Services] is likely to assist in promoting the objectives of [Medicaid]”. The State believes this demonstration is likely to promote the objectives of Medicaid by improving participant health outcomes and quality of life. Providing these services will make it possible for Medicaid and CHIP/HMK eligible individuals who have been diagnosed with a form of cancer, and whose related treatment may cause a substantial risk of sterility or iatrogenic infertility (including surgery, radiation, or chemotherapy) to receive coverage for fertility preservation services.

Expenditure Authorities

Montana is requesting expenditure authority under Section 1115 to provide fertility preservation services for Medicaid and CHIP/HMK eligible individuals between the age of 12 and 35 with an active diagnosis of cancer where the treatment would put them at risk for infertility. The requested expenditure authority promotes the objectives of Title XIX by improving health outcomes for Medicaid and CHIP/HMK populations.

This amendment request does not propose any additional waiver and expenditure authority changes to the WASP Demonstration Program beyond what is in the extension/renewal for the Section 1115 WASP approved on November 21, 2022.

Montana intends to continue to provide standard Medicaid benefits for up to 3,000 WMHSP individuals including 12 months continuous coverage. Additionally, the WASP will continue to cover individuals determined categorically eligible for ABD for dental treatment services above the Medicaid State Plan cap of \$1,125.

Waiver Authorities

As directed by statute, DPHHS is seeking the addition of fertility preservation expenditure authority from its 1115 WASP approved on November 21, 2022, for age-eligible Medicaid and CHIP/HMK members diagnosed with cancer and the standard of care involves medical treatment that may directly or indirectly cause iatrogenic infertility.

The State requests the following proposed waiver and expenditure authority to operate the fertility preservation services under the WASP 1115 demonstration.

Waiver and Expenditure Authority	Reason and Use of Waiver
Section 1902(a)(10)(B)- Amount, Duration, and Scope of Services and Comparability	To enable the State to vary the amount, duration, and scope of services provided to individuals in the demonstration group.

Eligibility

Fertility preservation services included under this Demonstration are available to Medicaid and CHIP/HMK eligible individuals who are:

- diagnosed by a physician as having an active cancer diagnosis requiring treatment that may cause a substantial risk of sterility or iatrogenic infertility (infertility caused by cancer treatment); and
- between the ages of 12 and 35.

Medicaid and CHIP/HMK members will qualify for fertility preservation services outlined in this Demonstration based upon their medical need for services. Eligibility requirements will not differ from the approved Medicaid and CHIP State Plans, Alternative Benefit Plan and the WMHSP population receiving standard Medicaid through this 1115 waiver Demonstration. DPHHS is not proposing changes to Medicaid or CHIP/HMK eligibility standards in this Demonstration application.

The eligibility groups outlined in the table below will not be eligible for fertility preservation services as they receive limited Medicaid benefits only.

Eligibility Group Name	Social Security Act and CFR Citations
Qualified Medicare Beneficiaries (QMB)	1902(a)(10)(E)(i) 1905(p)
Specified Low Income Medicare Beneficiaries (SLMB)	1902(a)(10)(E)(iii)
Qualified Individual (QI) Program	1902(a)(19)(E)(iv)
Family Planning – Authorized through Montana’s Plan First §1115 Family Planning Demonstration	1902(a)(10)(A)(ii)(XXI)

Projected Enrollment

The State is not proposing any changes to Medicaid eligibility requirements in the Section 1115 Demonstration change request. As such, the Demonstration is not expected to affect enrollment trends, which will continue to be determined largely by demographic changes and economic conditions. The projected enrollment for the demonstration population is approximately 35-40 Medicaid and 1-5 CHIP/HMK members per year will utilize the fertility preservation benefit. Members are limited to one benefit per lifetime.

Benefits

If approved under this demonstration, qualified Medicaid and CHIP/HMK members will be eligible to receive the following services:

- Collection of eggs and sperm consistent with established medical practices or professional guidelines published by the American Society of Reproductive Medicine or the American Society of Clinical Oncology.

Under this amendment application, Montana intends to continue the following current Demonstration features including:

- Coverage of the Standard Medicaid benefits package for WMHSP.
 - Covered individuals age 18 or older with SDMI who are otherwise ineligible for Medicaid benefits and either:
 - Have income 0-138% of the FPL and are eligible for or enrolled in Medicare; or
 - Have income 139-150% of the FPL regardless of Medicare status.
 - 12-month continuous coverage for the WMHSP population.
- Dental treatment services above the dental treatment services annual cap outlined in the Medicaid State Plan for the ABD population. (Covered dental treatment services, excluding diagnostic, preventive, denture and anesthesia services for adults age 21 and over, are subject to the annual cap of \$1,125 in the State Plan.)

Cost Sharing

If approved under this demonstration, cost sharing/copayment requirements for Medicaid fertility preservation services will not differ from those provided under the Medicaid State Plan. Montana does not require cost sharing or copayments for any Medicaid covered service. Individuals enrolled in CHIP/HMK will be assessed copayments for fertility preservation services in line with the current approved CHIP/HMK state plan. Fertility preservation services are subject to annual deductibles and copayment provisions as applicable to hospital, medical, or surgical services covered under the state plan.

Delivery System

The State does not propose any changes to the Medicaid health care delivery system. The new fertility preservation services for the demonstration individuals will be provided through the current fee for service (FFS) reimbursement system. All enrollees will continue to receive services through their current delivery system in the same manner under the state's current state plan.

The State does not propose any changes to the CHIP/HMK health care delivery system. Fertility preservation services will be provided through the current Third Party Administrator (TPA) fee for service contract. All enrollees will continue to receive services through their current delivery system in the same manner under the state's current state plan.

Budget/Allotment Neutrality

Enrollment Projections and Annual Expenditures

Montana developed projections for the demonstration period based on state historical expenditures, as available, as well as anticipated cost and utilization trends. Below is the projected enrollment and expenditures for the remaining demonstration years:

	DY21 (2024)	DY22 (2025)	DY23 (2026)	DY24 (2027)
Medicaid Enrollment	15	15	16	16
Medicaid Expenditures	121,838	125,493	137,875	142,012
Expansion Enrollment	21	21	22	23
Expansion Expenditures	170,574	175,691	189,579	204,142
CHIP Enrollment	1	1	1	1
CHIP Expenditures	8,123	8,366	8,617	8,876

The projected fertility preservation enrollment and expenditures results in an estimated fiscal impact of \$1,301,185 for the remaining 4 demonstrations years.

Evaluation

The State will develop a plan for evaluating the hypothesis indicated below. Montana will identify validated performance measures that adequately assess the impact of these demonstrations to beneficiaries. The State will submit the revised evaluation design to CMS for approval. The State will conduct ongoing monitoring of this demonstration, and will provide information regarding monitoring activities in the required monitoring reports. The following hypothesis will be tested during the approval period.

Hypothesis	Anticipated Measure(s)	Data Sources	Evaluation Approach
This demonstration will allow individuals who are at risk for infertility due to cancer treatment to preserve their ability to have children in the future.	Number of individuals served under this demonstration	MMIS Data Warehouse	Montana will design quantitative and qualitative measures to include quasi-experimental comparisons.

Montana Section 1115 Waiver for Additional Services and Populations (WASP) Demonstration Waiver

January 2024 Amendment Submission

Effective Date: January 1, 2024

ABBREVIATED PUBLIC NOTICE

On or before October 23, 2023, the Montana Department of Public Health Human Services (DPHHS) will submit an amendment adding Fertility Preservation services to the Section 1115 WASP Medicaid Waiver application, effective January 1, 2024, for approval to the Centers for Medicare and Medicaid Services (CMS).

Short History of the WASP

The WASP is a statewide section 1115 Medicaid demonstration waiver that was first approved in 1996. This waiver has historically provided: an eligibility pathway for low-income individuals living with a severe mental illness (SMI) not otherwise eligible for Medicaid; and unlimited dental treatment services for Aged/Blind/Disabled Medicaid enrollees.

Summary of Proposed Changes

During the 2023 Montana Legislative Session, Senate Bill 516 to "Provide for the preserving Fertility Act," was passed and signed into law by Governor Gianforte. This legislation requires DPHHS to add Medicaid and the Children's Health Insurance Program (CHIP), also known in Montana as Healthy Montana Kids (HMK), coverage for fertility preservation services for age-eligible individuals diagnosed with cancer and the standard of care involves medical treatment that may directly or indirectly cause iatrogenic infertility.

In light of the statutory directive, Montana DPHHS seeks approval from CMS to amend the Section 1115 Montana WASP to add fertility preservation services for age eligible Medicaid and CHIP/HMK enrolled members diagnosed with cancer effective January 1, 2024.

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The projected fertility preservation enrollment and expenditures results in an estimated fiscal impact of \$1,301,185 for the remaining 4 demonstration years.

Public Notice Process

To provide transparency in the state's proposed amendment to the Section 1115 WASP Medicaid Waiver application, the state will hold a hybrid in-person and electronic public hearing and a 60-day public comment period.

The amendment application, full public notice statement, public hearing details, and public notice

schedule are available for public review on the Fertility Preservation Amendment webpage: <https://dphhs.mt.gov/MontanaHealthcarePrograms/Medicaid/Medicaid1115Waiver/WaspAmendment>. Paper copies are available to be picked up in person at the DPHHS Director's Office located at 111 North Sanders Street, Room 301, Helena, Montana 59601.

One hybrid public hearing will be held regarding the demonstration application on Friday, September 15, 2023, from 1:00 p.m. to 3:00 p.m. Mountain Time. If special accommodations are needed to participate in either format, contact Mary Eve Kulawik at (406) 444-2584 or mkulawik@mt.gov.

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*** Proof of Publication ***

THE MISSOULIAN
2291 W Broadway, Suite 5A
Missoula, MT 59801
Phone: (406) 523-5236

MT DEPT OF PHHS - DIRECTORS OFFICE

Mary Eve Kulawik
PO BOX 4210
HELENA, MT 59620

ORDER NUMBER 165699

The undersigned, being duly sworn, deposes and says. That she is the principal clerk of The Missoulian, a newspaper of general circulation published daily in the City of Missoula, in the County of Missoula, State of Montana, and has charge of the Advertisements thereof.

Mark below if certification for the State of Montana
I hereby certify that I have read sec. 18-7-204 and 18-7-205, MCA, and subsequent revisions, and declare that the price or rate charged the State of Montana for the publication for which claim is made in printed copy in the amount of \$91.00 is not in excess of the minimum rate charged any other advertiser for publication of advertisement, set in the same size type and published for the same number of insertions, further certify that this claim is correct and just in all respects, and that payment or credit has not been received.

STATE OF MONTANA
County of Missoula

On this day of August 21, 2023 before me, the undersigned, a Notary Public for the State of Montana, personally appeared Mandy Schilling known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year first above written.

Section: Legal

Category: 0703 Legals Government MNAXLP

PUBLISHED ON: 08/19/2023

TOTAL AD COST: 91.00

FILED ON: 8/21/2023

NOTARY PUBLIC for the State of Montana
Residing at Billings, MT

My commission expires: 8/31/2025

Received

AUG 23 2023

Director's Office
DPHHS

Montana Section 1115 Waiver for Additional Services and Populations (WASP) Demonstration Waiver
January 2024 Amendment Submission
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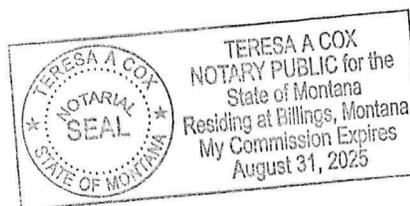
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August 19, 2023 165699



*** Proof of Publication ***

THE BILLINGS GAZETTE
401 N 28th St
Billings, MT 59101
Ph: (406) 657-1212 Fax: (406) 657-1345

Received

AUG 23 2023

Director's Office
DPHHS

MT DEPT OF PHHS - DIRECTORS OFFICE

Mary Eve Kulawik
PO BOX 4210
HELENA, MT 59620

ORDER NUMBER 165704

The undersigned, being duly sworn, deposes and says. That she is the principal clerk of The Billings Gazette, a newspaper of general circulation published daily in the City of Billings, in the County of Yellowstone, State of Montana, and has charge of the Advertisements thereof.

Mark below if certification for the State of Montana
 I hereby certify that I have read sec. 18-7-204 and 18-7-205, MCA, and subsequent revisions, and declare that the price or rate charged the State of Montana for the publication for which claim is made in printed copy in the amount of \$91.00 is not in excess of the minimum rate charged any other advertiser for publication of advertisement, set in the same size type and published for the same number of insertions, further certify that this claim is correct and just in all respects, and that payment or credit has not been received.

STATE OF MONTANA
County of Yellowstone

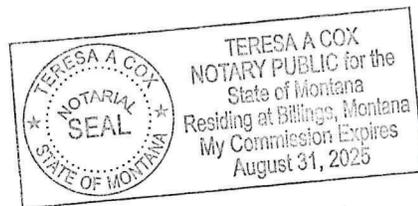
On this day of August 21, 2023 before me, the undersigned, a Notary Public for the State of Montana, personally appeared Mandy Schilling known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year first above written.

Section: Legal
Category: 0750 LEGAL NOTICES MMAXLP
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NOTARY PUBLIC for the State of Montana
Residing at Billings, MT

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*** Proof of Publication ***

Montana Section 1115 Waiver for Additional Services and Populations (WASP) Demonstration Waiver January 2024 Amendment Submission

Effective Date: January 1, 2024
ABBREVIATED PUBLIC NOTICE

On or before October 23, 2023, the Montana Department of Public Health Human Services (DPHHS) will submit an amendment adding Fertility Preservation services to the Section 1115 WASP Medicaid Waiver application, effective January 1, 2024, for approval to the Centers for Medicare and Medicaid Services (CMS).

Short History of the WASP

The WASP is a statewide section 1115 Medicaid demonstration waiver that was first approved in 1996. This waiver has historically provided: an eligibility pathway for low-income individuals living with a severe mental illness (SMI) not otherwise eligible for Medicaid; and unlimited dental treatment services for Aged/Blind/Disabled Medicaid enrollees.

Summary of Proposed Changes

During the 2023 Montana Legislative Session, Senate Bill 516 to "Provide for the preserving Fertility Act," was passed and signed into law by Governor Gianforte. This legislation requires DPHHS to add Medicaid and the Children's Health Insurance Program (CHIP), also known in Montana as Healthy Montana Kids (HMK), coverage for fertility preservation services for age-eligible individuals diagnosed with cancer and the standard of care involves medical treatment that may directly or indirectly cause iatrogenic infertility.

In light of the statutory directive, Montana DPHHS seeks approval from CMS to amend the Section 1115 Montana WASP to add fertility preservation services for age eligible Medicaid and CHIP/HMK enrolled members diagnosed with cancer effective January 1, 2024.

The State believes this demonstration is likely to promote the objectives of Medicaid by improving participant health outcomes and quality of life. Providing these services will make it possible for Medicaid and CHIP/HMK eligible individuals who have been diagnosed with a form of cancer, and whose related treatment may cause a substantial risk of sterility or iatrogenic infertility (including surgery, radiation, or chemotherapy) to receive coverage for fertility preservation services.

The projected fertility preservation enrollment and expenditures results in an estimated fiscal impact of \$1,301,185 for the remaining 4 demonstration years.

Public Notice Process

To provide transparency in the state's proposed amendment to the Section 1115 WASP Medicaid Waiver application, the state will hold a hybrid in-person and electronic public hearing and a 60-day public comment period.

The amendment application, full public notice statement, public hearing details, and public notice schedule are available for public review on the Fertility Preservation Amendment webpage: <https://dphhs.mt.gov/Montana-HealthcarePrograms/Medicaid/Medicaid1115Waiver/WaspAmendment>. Paper copies are available to be picked

up in person at the DPHHS Director's Office located at 111 North Sanders Street, Room 301, Helena, Montana 59601.

One hybrid public hearing will be held regarding the demonstration application on Friday, September 15, 2023, from 1:00 p.m. to 3:00 p.m. Mountain Time. If special accommodations are needed to participate in either format, contact Mary Eve Kufawik at (406) 444-2584 or mkulawik@mt.gov.

- To attend the public hearing in-person, please come to 111 North Sanders Street, Room 107, Helena, Montana.

- To attend via Zoom, you can register for the public hearing at <https://dphhs.mt.gov/MontanaHealthcarePrograms/Medicaid/Medicaid1115Waiver/WaspAmendment>. After registering, you will receive a confirmation email containing information about joining

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the meeting.

Public Input and Comments are welcome from August 19, 2023, through October 17, 2023. Comments and questions may be directed to the following:

- By US Mail:
Medicaid WASP Waiver Amendment
Department of Public Health and
Human Services, Director's Office
111 North Sanders Street
PO Box 4210
Helena, MT 59604-4210

c/o Mary Eve Kulawik
- By telephone: (406) 444-2584

- By electronic mail: dpshscomments@mt.gov; and

You will also have opportunity to officially comment during the federal public comment period after CMS finds the application and public notice requirements are met. The location to make these comments can be found online at the CMS website: <https://www.medicare.gov/medicaid/section-1115demo/demonstration-and-waiver-list/index.html>.

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2222 Washington St
Helena, MT 59602
Ph: (406) 447-4000

Received

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Director's Office
DPHHS

MT DEPT OF PHHS - DIRECTORS OFFICE

Mary Eve Kulawik

PO BOX 4210

HELENA, MT 59620

ORDER NUMBER 165713

The undersigned, being duly sworn, deposes and says. That she is the principal clerk of The Helena Independent Record, a newspaper of general circulation published daily in the City of Helena, in the County of Lewis & Clark, State of Montana, and has charge of the Advertisements thereof.

Mark below if certification for the State of Montana

~~_____~~ I hereby certify that I have read sec. 18-7-204 and 18-7-205, MCA, and subsequent revisions, and declare that the price or rate charged the State of Montana for the publication for which claim is made in printed copy in the amount of \$ 91.00 is not in excess of the minimum rate charged any other advertiser for publication of advertisement, set in the same size type and published for the same number of insertions, further certify that this claim is correct and just in all respects, and that payment or credit has not been received.

STATE OF MONTANA
County of Lewis & Clark

On this day of August 21, 2023 before me, the undersigned, a Notary Public for the State of Montana, personally appeared Maryeve Schilling known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year first above written.

Section: Legal

Category: 0701 Legals Helena

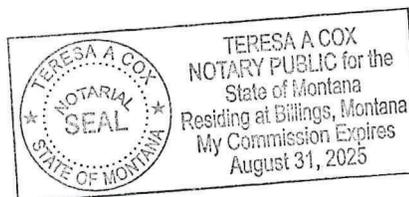
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August 19, 2023 165713 MNAXLP



AN ACT GENERALLY REVISING LAWS RELATED TO FERTILITY PRESERVATION SERVICES FOR PEOPLE DIAGNOSED WITH CANCER; REQUIRING INSURANCE COVERAGE OF FERTILITY PRESERVATION SERVICES; CREATING A VOLUNTARY ASSESSMENT FOR CANCER SCREENING EFFORTS; CREATING A SPECIAL REVENUE ACCOUNT; PROVIDING DEFINITIONS; AMENDING SECTIONS 2-18-704, 33-31-111, 33-35-306, 53-6-101, AND 61-3-303, MCA; AND PROVIDING EFFECTIVE DATES, AND AN APPLICABILITY DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Legislative findings -- purpose. (1) The legislature finds that young Montanans who are diagnosed with cancer often learn, shortly before they are to begin the medical treatment needed to save their lives, that the treatment may result in infertility, leaving them only a small window of time in which to decide whether to undergo medically necessary efforts to preserve their ability to have biological families.

(2) The legislature further finds that future fertility is a top quality of life priority for many young cancer patients and that the possibility of infertility may cause significant distress and grief during a time when cancer patients are also facing not only their diagnoses but also the prospects of treatment that may include surgery, chemotherapy, radiation, or a combination of those approaches.

(3) The legislature further finds that fertility preservation is medically necessary and considered part of the standard of care for age-eligible oncology patients.

(4) It is the intent of [sections 1 through 4] to ensure that fertility preservation services for cancer patients are covered by insurance plans in the same manner as other medically necessary care and that cancer patients are made aware of the options for fertility preservation services.

Section 2. Definitions. As used in [sections 1 through 4], the following definitions apply:

(1) "Iatrogenic infertility" means an impairment of fertility caused directly or indirectly by surgery, chemotherapy, radiation, or other medical treatment.

(2) "Medical treatment that may directly or indirectly cause iatrogenic infertility" means treatment with a potential side effect of impaired fertility, as established by a national association for practitioners of reproductive medicine or clinical oncology.

(3) "Standard fertility preservation services" means procedures consistent with established medical practices and professional guidelines published by a national association for practitioners of reproductive medicine or clinical oncology.

Section 3. Coverage of fertility preservation services. (1) Each individual and group disability policy, certificate of insurance, and membership contract that is delivered, issued for delivery, renewed, extended, or modified in this state that provides coverage for hospital, medical, or surgical services must cover medically necessary costs for standard fertility preservation services when an insured member is diagnosed with cancer and the standard of care involves medical treatment that may directly or indirectly cause iatrogenic infertility.

(2) Coverage under this section may be subject to deductibles, coinsurance, and copayment provisions. Special deductible, coinsurance, copayment, or other limitations that are not generally applicable to other hospital, medical, or surgical services covered under the plan may not be imposed on coverage for fertility preservation services.

(3) This section does not apply to disability income, hospital indemnity, accident-only, vision, dental, or long-term care policies.

Section 4. Cancer screening account. (1) There is a cancer screening account in the state special revenue fund established in 17-2-102 to the credit of the department of public health and human services.

(2) The account consists of:

- (a) money collected from the donation provided for in 61-3-303(6)(d);
- (b) other gifts and donations to the department for cancer screening efforts; and
- (c) interest and income earned on the account.

(3) Money in the account must be used by the department of public health and human services to support cancer screening efforts.

Section 5. Section 2-18-704, MCA, is amended to read:

"2-18-704. Mandatory provisions. (1) An insurance contract or plan issued under this part must contain provisions that permit:

(a) the member of a group who retires from active service under the appropriate retirement provisions of a defined benefit plan provided by law or, in the case of the defined contribution plan provided in Title 19, chapter 3, part 21, a member with at least 5 years of service and who is at least age 50 while in covered employment to remain a member of the group until the member becomes eligible for medicare under the federal Health Insurance for the Aged Act, 42 U.S.C. 1395, unless the member is a participant in another group plan with substantially the same or greater benefits at an equivalent cost or unless the member is employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost;

(b) the surviving spouse of a member to remain a member of the group as long as the spouse is eligible for retirement benefits accrued by the deceased member as provided by law unless the spouse is eligible for medicare under the federal Health Insurance for the Aged Act or unless the spouse has or is eligible for equivalent insurance coverage as provided in subsection (1)(a);

(c) the surviving children of a member to remain members of the group as long as they are eligible for retirement benefits accrued by the deceased member as provided by law unless they have equivalent coverage as provided in subsection (1)(a) or are eligible for insurance coverage by virtue of the employment of a surviving parent or legal guardian.

(2) An insurance contract or plan issued under this part must contain the provisions of subsection (1) for remaining a member of the group and also must permit:

(a) the spouse of a retired member the same rights as a surviving spouse under subsection (1)(b);
(b) the spouse of a retiring member to convert a group policy as provided in 33-22-508; and
(c) continued membership in the group by anyone eligible under the provisions of this section, notwithstanding the person's eligibility for medicare under the federal Health Insurance for the Aged Act.

(3) (a) A state insurance contract or plan must contain provisions that permit a legislator to remain a member of the state's group plan until the legislator becomes eligible for medicare under the federal Health Insurance for the Aged Act if the legislator:

(i) terminates service in the legislature and is a vested member of a state retirement system provided by law; and

(ii) notifies the department of administration in writing within 90 days of the end of the legislator's legislative term.

(b) A former legislator may not remain a member of the group plan under the provisions of subsection (3)(a) if the person:

(i) is a member of a plan with substantially the same or greater benefits at an equivalent cost; or

(ii) is employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost.

(c) A legislator who remains a member of the group under the provisions of subsection (3)(a) and subsequently terminates membership may not rejoin the group plan unless the person again serves as a legislator.

(4) (a) A state insurance contract or plan must contain provisions that permit continued membership in the state's group plan by a member of the judges' retirement system who leaves judicial office but continues to be an inactive vested member of the judges' retirement system as provided by 19-5-301. The judge shall notify the department of administration in writing within 90 days of the end of the judge's judicial service of the judge's choice to continue membership in the group plan.

(b) A former judge may not remain a member of the group plan under the provisions of this subsection (4) if the person:

(i) is a member of a plan with substantially the same or greater benefits at an equivalent cost;

(ii) is employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost; or

(iii) becomes eligible for medicare under the federal Health Insurance for the Aged Act.

(c) A judge who remains a member of the group under the provisions of this subsection (4) and subsequently terminates membership may not rejoin the group plan unless the person again serves in a

position covered by the state's group plan.

(5) A person electing to remain a member of the group under subsection (1), (2), (3), or (4) shall pay the full premium for coverage and for that of the person's covered dependents.

(6) An insurance contract or plan issued under this part that provides for the dispensing of prescription drugs by an out-of-state mail service pharmacy, as defined in 37-7-702:

(a) must permit any member of a group to obtain prescription drugs from a pharmacy located in Montana that is willing to match the price charged to the group or plan and to meet all terms and conditions, including the same professional requirements that are met by the mail service pharmacy for a drug, without financial penalty to the member; and

(b) may only be with an out-of-state mail service pharmacy that is registered with the board under Title 37, chapter 7, part 7, and that is registered in this state as a foreign corporation.

(7) An insurance contract or plan issued under this part must include coverage for:

(a) treatment of inborn errors of metabolism, as provided for in 33-22-131;

(b) therapies for Down syndrome, as provided in 33-22-139;

(c) treatment for children with hearing loss as provided in 33-22-128(1) and (2);

(d) fertility preservation services as required under [section 3];

~~(d)~~(e) the care and treatment of mental illness in accordance with the provisions of Title 33, chapter 22, part 7; and

~~(e)~~(f) telehealth services, as provided for in 33-22-138.

(8) (a) An insurance contract or plan issued under this part that provides coverage for an individual in a member's family must provide coverage for well-child care for children from the moment of birth through 7 years of age. Benefits provided under this coverage are exempt from any deductible provision that may be in force in the contract or plan.

(b) Coverage for well-child care under subsection (8)(a) must include:

(i) a history, physical examination, developmental assessment, anticipatory guidance, and laboratory tests, according to the schedule of visits adopted under the early and periodic screening, diagnosis, and treatment services program provided for in 53-6-101; and

(ii) routine immunizations according to the schedule for immunization recommended by the

advisory committee on immunization practices of the U.S. department of health and human services.

(c) Minimum benefits may be limited to one visit payable to one provider for all of the services provided at each visit as provided for in this subsection (8).

(d) For purposes of this subsection (8):

(i) "developmental assessment" and "anticipatory guidance" mean the services described in the Guidelines for Health Supervision II, published by the American academy of pediatrics; and

(ii) "well-child care" means the services described in subsection (8)(b) and delivered by a physician or a health care professional supervised by a physician.

(9) Upon renewal, an insurance contract or plan issued under this part under which coverage of a dependent terminates at a specified age must continue to provide coverage for any dependent, as defined in the insurance contract or plan, until the dependent reaches 26 years of age. For insurance contracts or plans issued under this part, the premium charged for the additional coverage of a dependent, as defined in the insurance contract or plan, may be required to be paid by the insured and not by the employer.

(10) Prior to issuance of an insurance contract or plan under this part, written informational materials describing the contract's or plan's cancer screening coverages must be provided to a prospective group or plan member.

(11) The state employee group benefit plans and the Montana university system group benefits plans must provide coverage for hospital inpatient care for a period of time as is determined by the attending physician and, in the case of a health maintenance organization, the primary care physician, in consultation with the patient to be medically necessary following a mastectomy, a lumpectomy, or a lymph node dissection for the treatment of breast cancer.

(12) (a) The state employee group benefit plans and the Montana university system group benefits plans must provide coverage for outpatient self-management training and education for the treatment of diabetes. Any education must be provided by a licensed health care professional with expertise in diabetes.

(b) Coverage must include a \$250 benefit for a person each year for medically necessary and prescribed outpatient self-management training and education for the treatment of diabetes.

(c) The state employee group benefit plans and the Montana university system group benefits plans must provide coverage for diabetic equipment and supplies that at a minimum includes insulin, syringes,

injection aids, devices for self-monitoring of glucose levels (including those for the visually impaired), test strips, visual reading and urine test strips, one insulin pump for each warranty period, accessories to insulin pumps, one prescriptive oral agent for controlling blood sugar levels for each class of drug approved by the United States food and drug administration, and glucagon emergency kits.

(d) Nothing in subsection (12)(a), (12)(b), or (12)(c) prohibits the state or the Montana university group benefit plans from providing a greater benefit or an alternative benefit of substantially equal value, in which case subsection (12)(a), (12)(b), or (12)(c), as appropriate, does not apply.

(e) Annual copayment and deductible provisions are subject to the same terms and conditions applicable to all other covered benefits within a given policy.

(f) This subsection (12) does not apply to disability income, hospital indemnity, medicare supplement, accident-only, vision, dental, specific disease, or long-term care policies offered by the state or the Montana university system as benefits to employees, retirees, and their dependents.

(13) (a) The state employee group benefit plans and the Montana university system group benefits plans that provide coverage to the spouse or dependents of a peace officer as defined in 45-2-101, a game warden as defined in 19-8-101, a firefighter as defined in 19-13-104, or a volunteer firefighter as defined in 19-17-102 shall renew the coverage of the spouse or dependents if the peace officer, game warden, firefighter, or volunteer firefighter dies within the course and scope of employment. Except as provided in subsection (13)(b), the continuation of the coverage is at the option of the spouse or dependents. Renewals of coverage under this section must provide for the same level of benefits as is available to other members of the group. Premiums charged to a spouse or dependent under this section must be the same as premiums charged to other similarly situated members of the group. Dependent special enrollment must be allowed under the terms of the insurance contract or plan. The provisions of this subsection (13)(a) are applicable to a spouse or dependent who is insured under a COBRA continuation provision.

(b) The state employee group benefit plans and the Montana university system group benefits plans subject to the provisions of subsection (13)(a) may discontinue or not renew the coverage of a spouse or dependent only if:

(i) the spouse or dependent has failed to pay premiums or contributions in accordance with the terms of the state employee group benefit plans and the Montana university system group benefits plans or if

the plans have not received timely premium payments;

(ii) the spouse or dependent has performed an act or practice that constitutes fraud or has made an intentional misrepresentation of a material fact under the terms of the coverage; or

(iii) the state employee group benefit plans and the Montana university system group benefits plans are ceasing to offer coverage in accordance with applicable state law.

(14) The state employee group benefit plans and the Montana university system group benefits plans must comply with the provisions of 33-22-153.

(15) An insurance contract or plan issued under this part and a group benefits plan issued by the Montana university system must provide mental health coverage that meets the provisions of Title 33, chapter 22, part 7. (See compiler's comments for contingent termination of certain text.)"

Section 6. Section 33-31-111, MCA, is amended to read:

"33-31-111. Statutory construction and relationship to other laws. (1) Except as otherwise provided in this chapter, the insurance or health service corporation laws do not apply to a health maintenance organization authorized to transact business under this chapter. This provision does not apply to an insurer or health service corporation licensed and regulated pursuant to the insurance or health service corporation laws of this state except with respect to its health maintenance organization activities authorized and regulated pursuant to this chapter.

(2) Solicitation of enrollees by a health maintenance organization granted a certificate of authority or its representatives is not a violation of any law relating to solicitation or advertising by health professionals.

(3) A health maintenance organization authorized under this chapter is not practicing medicine and is exempt from Title 37, chapter 3, relating to the practice of medicine.

(4) This chapter does not exempt a health maintenance organization from the applicable certificate of need requirements under Title 50, chapter 5, parts 1 and 3.

(5) This section does not exempt a health maintenance organization from the prohibition of pecuniary interest under 33-3-308 or the material transaction disclosure requirements under 33-3-701 through 33-3-704. A health maintenance organization must be considered an insurer for the purposes of 33-3-308 and 33-3-701 through 33-3-704.

- (6) This section does not exempt a health maintenance organization from:
- (a) prohibitions against interference with certain communications as provided under Title 33, chapter 1, part 8;
 - (b) the provisions of Title 33, chapter 22, parts 7 and 19;
 - (c) the requirements of 33-22-134 and 33-22-135;
 - (d) network adequacy and quality assurance requirements provided under chapter 36; or
 - (e) the requirements of Title 33, chapter 18, part 9.
- (7) Other chapters and provisions of this title apply to health maintenance organizations as follows: Title 33, chapter 1, parts 6, 12, and 13; 33-2-1114; 33-2-1211 and 33-2-1212; Title 33, chapter 2, parts 13, 19, 23, and 24; 33-3-401; 33-3-422; 33-3-431; Title 33, chapter 3, part 6; Title 33, chapter 10; Title 33, chapter 12; 33-15-308; Title 33, chapter 17; Title 33, chapter 19; 33-22-107; 33-22-128; 33-22-129; 33-22-131; 33-22-136 through 33-22-139; 33-22-141 and 33-22-142; 33-22-152 and 33-22-153; section 3; 33-22-156 through 33-22-159; 33-22-180; 33-22-244; 33-22-246 and 33-22-247; 33-22-514 and 33-22-515; 33-22-521; 33-22-523 and 33-22-524; 33-22-526; and Title 33, chapter 32."

Section 7. Section 33-35-306, MCA, is amended to read:

"33-35-306. Application of insurance code to arrangements. (1) In addition to this chapter, self-funded multiple employer welfare arrangements are subject to the following provisions:

- (a) 33-1-111;
- (b) Title 33, chapter 1, part 4, but the examination of a self-funded multiple employer welfare arrangement is limited to those matters to which the arrangement is subject to regulation under this chapter;
- (c) Title 33, chapter 1, part 7;
- (d) Title 33, chapter 2, parts 23 and 24;
- (e) 33-3-308;
- (f) Title 33, chapter 7;
- (g) Title 33, chapter 18, except 33-18-242;
- (h) Title 33, chapter 19;
- (i) 33-22-107, 33-22-128, 33-22-131, 33-22-134, 33-22-135, 33-22-138, 33-22-139, 33-22-141,

33-22-142, 33-22-152, and 33-22-153;

- (j) 33-22-512, 33-22-515, 33-22-525, and 33-22-526;
- (k) Title 33, chapter 22, part 7, and [sections 1 through 4]; and
- (l) 33-22-707.

(2) Except as provided in this chapter, other provisions of Title 33 do not apply to a self-funded multiple employer welfare arrangement that has been issued a certificate of authority that has not been revoked."

Section 8. Section 53-6-101, MCA, is amended to read:

"53-6-101. Montana medicaid program -- authorization of services. (1) There is a Montana medicaid program established for the purpose of providing necessary medical services to eligible persons who have need for medical assistance. The Montana medicaid program is a joint federal-state program administered under this chapter and in accordance with Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq. The department shall administer the Montana medicaid program.

(2) The department and the legislature shall consider the following funding principles when considering changes in medicaid policy that either increase or reduce services:

(a) protecting those persons who are most vulnerable and most in need, as defined by a combination of economic, social, and medical circumstances;

(b) giving preference to the elimination or restoration of an entire medicaid program or service, rather than sacrifice or augment the quality of care for several programs or services through dilution of funding; and

(c) giving priority to services that employ the science of prevention to reduce disability and illness, services that treat life-threatening conditions, and services that support independent or assisted living, including pain management, to reduce the need for acute inpatient or residential care.

(3) Medical assistance provided by the Montana medicaid program includes the following services:

- (a) inpatient hospital services;
- (b) outpatient hospital services;
- (c) other laboratory and x-ray services, including minimum mammography examination as defined

in 33-22-132;

- (d) skilled nursing services in long-term care facilities;
- (e) physicians' services;
- (f) nurse specialist services;
- (g) early and periodic screening, diagnosis, and treatment services for persons under 21 years of age, in accordance with federal regulations and subsection (10)(b);
- (h) ambulatory prenatal care for pregnant women during a presumptive eligibility period, as provided in 42 U.S.C. 1396a(a)(47) and 42 U.S.C. 1396r-1;
- (i) targeted case management services, as authorized in 42 U.S.C. 1396n(g), for high-risk pregnant women;
- (j) services that are provided by physician assistants within the scope of their practice and that are otherwise directly reimbursed as allowed under department rule to an existing provider;
- (k) health services provided under a physician's orders by a public health department;
- (l) federally qualified health center services, as defined in 42 U.S.C. 1396d(l)(2);
- (m) routine patient costs for qualified individuals enrolled in an approved clinical trial for cancer as provided in 33-22-153;
- (n) for children 18 years of age and younger, habilitative services as defined in 53-4-1103; ~~and~~
- (o) services provided by a person certified in accordance with 37-2-318 to provide services in accordance with the Indian Health Care Improvement Act, 25 U.S.C. 1601, et seq.; and
- (p) fertility preservation services in accordance with [section 3].

(4) Medical assistance provided by the Montana medicaid program may, as provided by department rule, also include the following services:

- (a) medical care or any other type of remedial care recognized under state law, furnished by licensed practitioners within the scope of their practice as defined by state law;
- (b) home health care services;
- (c) private-duty nursing services;
- (d) dental services;
- (e) physical therapy services;

- (f) mental health center services administered and funded under a state mental health program authorized under Title 53, chapter 21, part 10;
 - (g) clinical social worker services;
 - (h) prescribed drugs, dentures, and prosthetic devices;
 - (i) prescribed eyeglasses;
 - (j) other diagnostic, screening, preventive, rehabilitative, chiropractic, and osteopathic services;
 - (k) inpatient psychiatric hospital services for persons under 21 years of age;
 - (l) services of professional counselors licensed under Title 37, chapter 23;
 - (m) hospice care, as defined in 42 U.S.C. 1396d(o);
 - (n) case management services, as provided in 42 U.S.C. 1396d(a) and 1396n(g), including targeted case management services for the mentally ill;
 - (o) services of psychologists licensed under Title 37, chapter 17;
 - (p) inpatient psychiatric services for persons under 21 years of age, as provided in 42 U.S.C. 1396d(h), in a residential treatment facility, as defined in 50-5-101, that is licensed in accordance with 50-5-201;
 - (q) services of behavioral health peer support specialists certified under Title 37, chapter 38, provided to adults 18 years of age and older with a diagnosis of a mental disorder, as defined in 53-21-102; and
 - (r) any additional medical service or aid allowable under or provided by the federal Social Security Act.
- (5) Services for persons qualifying for medicaid under the medically needy category of assistance, as described in 53-6-131, may be more limited in amount, scope, and duration than services provided to others qualifying for assistance under the Montana medicaid program. The department is not required to provide all of the services listed in subsections (3) and (4) to persons qualifying for medicaid under the medically needy category of assistance.
- (6) In accordance with federal law or waivers of federal law that are granted by the secretary of the U.S. department of health and human services, the department may implement limited medicaid benefits, to be known as basic medicaid, for adult recipients who are eligible because they are receiving cash assistance, as defined in 53-4-201, as the specified caretaker relative of a dependent child and for all adult recipients of medical assistance only who are covered under a group related to a program providing cash assistance, as

defined in 53-4-201. Basic medicaid benefits consist of all mandatory services listed in subsection (3) but may include those optional services listed in subsections (4)(a) through (4)(r) that the department in its discretion specifies by rule. The department, in exercising its discretion, may consider the amount of funds appropriated by the legislature, whether approval has been received, as provided in 53-1-612, and whether the provision of a particular service is commonly covered by private health insurance plans. However, a recipient who is pregnant, meets the criteria for disability provided in Title II of the Social Security Act, 42 U.S.C. 416, et seq., or is less than 21 years of age is entitled to full medicaid coverage.

(7) The department may implement, as provided for in Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended, a program under medicaid for payment of medicare premiums, deductibles, and coinsurance for persons not otherwise eligible for medicaid.

(8) (a) The department may set rates for medical and other services provided to recipients of medicaid and may enter into contracts for delivery of services to individual recipients or groups of recipients.

(b) The department shall strive to close gaps in services provided to individuals suffering from mental illness and co-occurring disorders by doing the following:

(i) simplifying administrative rules, payment methods, and contracting processes for providing services to individuals of different ages, diagnoses, and treatments. Any adjustments to payments must be cost-neutral for the biennium beginning July 1, 2017.

(ii) publishing a report on an annual basis that describes the process that a mental health center or chemical dependency facility, as those terms are defined in 50-5-101, must utilize in order to receive payment from Montana medicaid for services provided to individuals of different ages, diagnoses, and treatments.

(9) The services provided under this part may be only those that are medically necessary and that are the most efficient and cost-effective.

(10) (a) The amount, scope, and duration of services provided under this part must be determined by the department in accordance with Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended.

(b) The department shall, with reasonable promptness, provide access to all medically necessary services prescribed under the early and periodic screening, diagnosis, and treatment benefit, including access to prescription drugs and durable medical equipment for which the department has not negotiated a rebate.

(11) Services, procedures, and items of an experimental or cosmetic nature may not be provided.

(12) (a) Prior to enacting changes to provider rates, medicaid waivers, or the medicaid state plan, the department of public health and human services shall report this information to the following committees:

- (i) the children, families, health, and human services interim committee;
- (ii) the legislative finance committee; and
- (iii) the health and human services budget committee.

(b) In its report to the committees, the department shall provide an explanation for the proposed changes and an estimated budget impact to the department over the next 4 fiscal years.

(13) If available funds are not sufficient to provide medical assistance for all eligible persons, the department may set priorities to limit, reduce, or otherwise curtail the amount, scope, or duration of the medical services made available under the Montana medicaid program after taking into consideration the funding principles set forth in subsection (2). (Subsection (3)(o) terminates September 30, 2023--sec. 7, Ch. 412, L. 2019.)"

Section 9. Section 61-3-303, MCA, is amended to read:

"61-3-303. Original registration -- process -- fees. (1) Except as provided in 61-3-324, a Montana resident who is an owner of a motor vehicle, trailer, semitrailer, or pole trailer operated or driven upon the public highways of this state shall register the motor vehicle, trailer, semitrailer, or pole trailer in the county where the registering owner is domiciled. A nonresident who has an interest in real property in Montana may register in the county where the real property is located a motor vehicle, trailer, semitrailer, or pole trailer operated or driven upon the public highways of this state.

(2) A Montana resident who is an owner of a motor vehicle, trailer, semitrailer, or pole trailer with co-owners, one or more of whom are not Montana residents, may register the vehicle regardless of the fact that one or more of the co-owners would otherwise not qualify to register the vehicle under subsection (1) if the registering Montana resident is:

- (a) an individual human being; and
- (b) the principal operator of, and in whom is vested the right of possession and control of, the

vehicle.

(3) Except as provided in subsection (4), the county treasurer or an authorized agent shall register any vehicle for which:

(a) as of the date that the motor vehicle, trailer, semitrailer, or pole trailer is to be registered, an owner delivers an application for a certificate of title to the department, an authorized agent, or a county treasurer; or

(b) the county treasurer or an authorized agent confirms that the department has an electronic record of title for the motor vehicle, trailer, semitrailer, or pole trailer as provided under 61-3-101.

(4) (a) A county treasurer or an authorized agent may register a motor vehicle, trailer, semitrailer, or pole trailer for which a certificate of title and registration were issued in another jurisdiction and for which registration is required under 61-3-701 after the county treasurer or the authorized agent examines the current out-of-jurisdiction registration certificate or receipt and receives payment of the fees required in 61-3-701. The county treasurer or an authorized agent may ask the motor vehicle, trailer, semitrailer, or pole trailer owner to provide additional information, prescribed by the department, to ensure that the electronic record of registration maintained by the department is complete.

(b) A county treasurer or an authorized agent shall collect fees pursuant to 61-3-203 and 61-3-220(4) and issue a 90-day temporary registration permit pursuant to 61-3-224 for a motor vehicle, trailer, semitrailer, pole trailer, motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for which the new owner cannot, due to circumstances beyond the new owner's control, surrender a previously assigned certificate of title. The new owner shall request the 90-day temporary registration permit from the authorized agent or county treasurer that originally issued the temporary registration permit.

(5) Upon registering a motor vehicle, trailer, semitrailer, or pole trailer for the first time in this state, the county treasurer or an authorized agent shall:

(a) update the electronic record of title, if any, maintained for the vehicle by the department under 61-3-101;

(b) assign a registration period for the vehicle under 61-3-311;

(c) determine the vehicle's age, if required, under 61-3-501;

(d) determine the amount of fees, including local option taxes or fees, to be paid under subsection (6); and

- (e) assign and issue license plates for the vehicle under 61-3-331.
- (6) Unless otherwise provided by law, a person registering a motor vehicle shall pay to the county treasurer or an authorized agent:
 - (a) the fees in lieu of tax or registration fees as required for:
 - (i) a light vehicle under 61-3-321 or 61-3-562, in addition to, if applicable, any local option tax or fee under 61-3-537 or 61-3-570;
 - (ii) a motor home under 61-3-321;
 - (iii) a travel trailer under 61-3-321;
 - (iv) a motorcycle or quadricycle under 61-3-321;
 - (v) a bus, a truck having a manufacturer's rated capacity of more than 1 ton, or a truck tractor under 61-3-321 and 61-3-529; or
 - (vi) a trailer under 61-3-321;
 - (b) a donation of \$1 or more if the person indicates that the person wishes to donate to promote awareness and education efforts for procurement of organ and tissue donations in Montana to favorably impact anatomical gifts; ~~and~~
 - (c) a donation of \$1 or more if the person indicates that the person wishes to donate to promote education on, support for, and awareness of traumatic brain injury; and
 - (d) a donation of \$1 or more if the person indicates that the person wishes to donate to a program supporting cancer screening.
- (7) The county treasurer or an authorized agent may not issue a registration receipt or license plates for the motor vehicle, trailer, semitrailer, or pole trailer to the owner unless the owner makes the payments required by subsection (6).
- (8) The department may make full and complete investigation of the registration status of the motor vehicle, trailer, semitrailer, or pole trailer. A person seeking to register a motor vehicle, trailer, semitrailer, or pole trailer under this section shall provide additional information to support the registration to the department if requested.
- (9) Revenue that accrues from the voluntary ~~donation-donations~~ provided for in subsection (6) ~~(b)~~ must be forwarded by the respective county treasurer or an authorized agent to the department for deposit as

follows:

(a) _____ in the state special revenue fund to the credit of an account established by the department of labor and industry to support activities related to awareness and education efforts for procurement of organ and tissue donations for anatomical gifts if the revenue is from the donation provided for in subsection (6)(b);

(b) _____ to the credit of the account established in 2-15-2218 if the revenue is from the donation provided for in subsection (6)(c); and

(c) _____ to the credit of the special revenue account established in [section 4] if the revenue is from the donation provided for in subsection (6)(d).

(10) (a) Except as provided in subsection (10)(b), the fees in lieu of tax, taxes, and fees imposed on or collected from the registration of a travel trailer, motorcycle, or quadricycle or a trailer, semitrailer, or pole trailer that has a declared weight of less than 26,000 pounds are required to be paid only once during the time that the travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is owned by the same person who registered the travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer. When registered, a travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is registered permanently unless ownership is transferred or unless it was registered under 61-3-701.

(b) Whenever ownership of a travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is transferred, the new owner is required to register the travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer as if it were being registered for the first time, including paying all of the required fees in lieu of tax, taxes, and fees.

~~(11) Revenue that accrues from the voluntary donation provided in subsection (6)(c) must be forwarded by the respective county treasurer or an authorized agent to the department for deposit in the state special revenue fund to the credit of the account established in 2-15-2218 to support activities related to education regarding prevention of traumatic brain injury.~~

~~(12)~~(11) The department, an authorized agent of the department, or a county treasurer shall use the online motor vehicle liability insurance verification system provided in 61-6-157 to verify that the vehicle owner has complied with the requirements of 61-6-301."

Section 10. Codification instruction. [Sections 1 through 4] are intended to be codified as a new

part of Title 33, chapter 22, and the provisions of Title 33, chapter 22, apply to [sections 1 through 4].

Section 11. Effective dates. (1) Except as provided in subsection (2), [this act] is effective January 1, 2024.

(2) [Sections 4 and 9] and this section are effective July 1, 2023.

Section 12. Applicability. [This act] applies to insurance policies, certificates, and contracts issued or renewed on or after January 1, 2024.

- END -

I hereby certify that the within bill,
SB 516, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2023.

Speaker of the House

Signed this _____ day
of _____, 2023.

SENATE BILL NO. 516

INTRODUCED BY J. GROSS, F. SMITH, D. SALOMON, S. FITZPATRICK, E. MCCLAFFERTY, J. WELBORN,
B. MOLNAR, M. LANG, D. ZOLNIKOV, R. LYNCH, A. OLSEN, W. CURDY, M. DUNWELL, J. ELLIS, D.
HAYMAN, C. POPE, S. WEBBER, D. LOGE, R. FITZGERALD, B. USHER, E. BOLDMAN, S. MORIGEAU, J.
SMALL, L. BISHOP, J. ELLSWORTH, D. HARVEY, K. BOGNER, B. GILLESPIE, J. KASSMIER, P. FLOWERS,
M. FOX, L. BREWSTER, A. BUCKLEY, M. THANE, C. FRIEDEL, S. O'BRIEN, G. PARRY, L. SMITH, M.
CUFFE, G. HERTZ, D. LENZ, W. SALES, T. VERMEIRE

AN ACT GENERALLY REVISING LAWS RELATED TO FERTILITY PRESERVATION SERVICES FOR PEOPLE
DIAGNOSED WITH CANCER; REQUIRING INSURANCE COVERAGE OF FERTILITY PRESERVATION
SERVICES; CREATING A VOLUNTARY ASSESSMENT FOR CANCER SCREENING EFFORTS; CREATING
A SPECIAL REVENUE ACCOUNT; PROVIDING DEFINITIONS; AMENDING SECTIONS 2-18-704, 33-31-111,
33-35-306, 53-6-101, AND 61-3-303, MCA; AND PROVIDING EFFECTIVE DATES, AND AN APPLICABILITY
DATE.