

DRAFT RULES FOR DISCUSSION PURPOSES ONLY

BEFORE THE COMMISSIONER OF SECURITIES AND INSURANCE  
MONTANA STATE AUDITOR

In the matter of the adoption of ) NOTICE OF PUBLIC HEARING ON  
NEW RULES I and II, pertaining to ) PROPOSED ADOPTION  
Patient-Centered Medical Homes )

TO: All Concerned Persons

1. On (Month ??), 2014, at 10:00 a.m., the Commissioner of Securities and Insurance, Montana State Auditor, will hold a public hearing in the 2nd floor conference room, at the Office of the Commissioner of Securities and Insurance, Montana State Auditor (CSI), 840 Helena Ave., Helena, Montana, to consider the proposed adoption of the above-stated rule.

2. The CSI will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing, or need an alternative accessible format of this notice. If you require an accommodation, contact the CSI no later than 5:00 p.m., (Month ??), 2014, to advise us of the nature of the accommodation that you need. Please contact Darla Sautter, CSI, 840 Helena Avenue, Helena, Montana, 59601; telephone (406) 444-2726; TDD (406) 444-3246; fax (406) 444-3499; or e-mail dsautter@mt.gov.

3. The New Rules as proposed to be adopted provide as follows:

NEW RULE I STANDARDS FOR PAYMENT METHODS (1) Payers that currently have a medical home or PCMH component in their provider contracts or in insurance contracts issued to Montana residents shall submit a letter to the commissioner describing their method of compensating providers no later than January 1, 2015.

(2) Payers that are new to the Montana PCMH program shall submit a letter of intent describing their proposed method of compensating providers no later than 30 days before beginning the program.

(3) The payer letters described in (1) and (2) must conform to the provisions of Mont. Code Ann. Title 33, Chapter 40 and applicable Administrative Rules of Montana and any additional instructions concerning the content and detail of the letter prescribed by the Commissioner.

(4) The commissioner must approve the payer as meeting the requirements of this rule before the payer may participate in the Montana PCMH program.

(5) The commissioner shall maintain copies of the payer letters. After approval, these letters will be available to the public, upon request. However, sections of the letters may contain information that may be determined by the commissioner to be a trade secret pursuant to Mont. Code Ann. Title 30, Chapter 14,

Part 4. Any part of the information submitted that the Commissioner determines to be confidential pursuant to trade secret laws will be redacted and will not be open to the public, unless a contrary opinion is issued by a court of competent jurisdiction.

(6) Payment models must support enhanced primary care and promote the development of patient-centered medical home practices, according to the goals expressed in 33-40-103 (4). Payment methods may include, but are not limited to the following:

- (a) payment for PCMH recognition status; and
- (b) reimbursement for PCMH services such as:
  - (i) care coordination services;
  - (ii) care management services;
  - (iii) disease management services;
  - (iv) population management services;
  - (v) behavior health specialist services; and
  - (vi) clinical pharmacist services.
- (c) payment for improvement in quality metrics;
- (d) shared savings incentives;
- (e) block grants to enhance PCMH capabilities of primary care practices; and
- (f) any other type of payment method that the commissioner has approved as meeting the requirement of supporting the goals of the Montana PCMH program.

NEW RULE II MEASURES RELATED TO COST AND MEDICAL USAGE—  
UTILIZATION MEASURES (1) Recognized PCMH payers shall report to the commissioner on the following utilization measures:

- (a) emergency room visits; and
  - (b) hospitalization rates.
- (2) PCMH payers shall report this information for the following groups of patients: \_\_\_\_\_
- (3) The commissioner shall provide detailed instructions on the agency website regarding the required data reporting on utilization measures by PCMH payers.
- (4) The first report is due March 31, 2015 (?) and annually thereafter.

AUTH: 33-??-???, MCA  
IMP: 33-??-???, MCA

4. STATEMENT OF REASONABLE NECESSITY: NEW RULE I is necessary to

5. Concerned persons may submit their data, views, or arguments concerning the proposed actions either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Christina L. Goe, General Counsel, Office of the Commissioner of Securities and Insurance, Montana State Auditor, 840 Helena Ave., Helena, Montana, 59601; telephone (406) 444-2040; fax (406) 444-3499; or e-mail [cgoe@mt.gov](mailto:cgoe@mt.gov), and must be received no later than 5:00 p.m., (Month ??), 2014.

6. Christina Goe, General Counsel, has been designated to preside over and conduct this hearing.

7. The CSI maintains a list of concerned persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Such written request may be mailed or delivered to Darla Sautter, Office of the Commissioner of Securities and Insurance, Montana State Auditor, 840 Helena Ave., Helena, Montana, 59601; telephone (406) 444-2726; fax (406) 444-3499; or e-mail dsautter@mt.gov, or may be made by completing a request form at any rules hearing held by the CSI.

8. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods due to system maintenance or technical problems.

9. Pursuant to 2-4-302, MCA, the bill sponsor contact requirements apply. Christine Kaufman is the bill sponsor, and she was contacted by email on May 9, 2014.

10. The CSI has complied with the requirements of 2-4-111, MCA, and determined that NEW RULE I and II will (will not) have a significant adverse impact on small businesses