

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 24.29.1433, 24.29.1534, and ) PROPOSED AMENDMENT  
24.29.1538 pertaining to medical fee )  
schedules for workers' compensation )  
purposes )

TO: All Concerned Persons

1. On May 8, 2020, at 10:00 a.m., the Department of Labor and Industry (department) will hold a public hearing via remote conferencing to consider the proposed amendment of the above-stated rules. Because there currently exists a state of emergency in Montana due to the public health crisis caused by the novel coronavirus, there will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

(a) Join Zoom Meeting, <https://mt-gov.zoom.us/j/163824100>, Meeting ID: 163824100

OR

(b) Dial by telephone, +1 406 444 9999 or +1 646 558 8656, Meeting ID: 163824100

The hearing will begin with a brief introduction by department staff to explain the use of the videoconference and telephonic platform. All participants will be muted except when it is their time to speak.

2. The department 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 department no later than 5:00 p.m., on May 1, 2020, to advise us of the nature of the accommodation that you need. Please contact Celeste Ackerman, Employment Relations Division, P.O. Box 8011, Helena, Montana 59604-8011; telephone (406) 444-6604; facsimile (406) 444-4140; Montana TTD (406) 444-5549; or e-mail [celeste.ackerman@mt.gov](mailto:celeste.ackerman@mt.gov).

3. The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

24.29.1433 FACILITY SERVICE RULES AND RATES FOR SERVICES PROVIDED ON OR AFTER JULY 1, 2013 (1) through (1)(c)(v) remain the same.

(vi) The "Montana Workers' Compensation Facility Fee Schedule Instruction Set Effective July 1, 2018," for services provided from July 1, 2018, through June 30, 2019; ~~and~~

(vii) The "Montana Workers' Compensation Facility Fee Schedule Instruction Set Effective July 1, 2019," for services provided from July 1, 2019, through June 30, 2020; and

(viii) The "Montana Workers' Compensation Facility Fee Schedule Instruction Set Effective July 1, 2020."

(2) through (11)(a)(vi) remain the same.

(vii) Effective July 1, 2019, through June 30, 2020, the base rate is \$8,599.

(viii) Effective July 1, 2020, the base rate is \$8,909.

(b) Payments for inpatient acute care hospital services must be calculated using the base rate multiplied by the Montana MS-DRG weight. For example, if the MS-DRG weight is 0.5, the amount payable is ~~\$4,299.50~~ \$4,454.50, which is the base rate of ~~\$8,599~~ \$8,909 multiplied by 0.5.

(c) through (12)(a)(v) remain the same.

(vi) \$116, from July 1, 2018, through June 30, 2019; ~~and~~

(vii) \$119, ~~on or after~~ from July 1, 2019-, through June 30, 2020; and

(viii) \$123, on or after July 1, 2020.

(b) through (b)(v) remain the same.

(vi) \$87, from July 1, 2018, through June 30, 2019; ~~and~~

(vii) \$89, ~~on or after~~ from July 1, 2019-, through June 30, 2020; and

(viii) \$92, on or after July 1, 2020.

(c) through (g) remain the same.

AUTH: 39-71-203, MCA

IMP: 39-71-704, MCA

#### 24.29.1534 PROFESSIONAL FEE SCHEDULE FOR SERVICES

PROVIDED ON OR AFTER JULY 1, 2013 (1) through (1)(a)(v) remain the same.

(vi) The "Montana Workers' Compensation Professional Fee Schedule Instruction Set Effective July 1, 2018" applies to services provided from July 1, 2018, through June 30, 2019; ~~and~~

(vii) The "Montana Workers' Compensation Professional Fee Schedule Instruction Set Effective July 1, 2019" applies to services provided ~~on or after~~ from July 1, 2019-, through June 30, 2020; and

(viii) The "Montana Workers' Compensation Professional Fee Schedule Instruction Set Effective July 1, 2020" applies to services provided on or after July 1, 2020.

(b) through (10) remain the same.

AUTH: 39-71-203, MCA

IMP: 39-71-704, MCA

24.29.1538 CONVERSION FACTORS FOR SERVICES PROVIDED ON OR AFTER JANUARY 1, 2008 (1) through (2)(g) remain the same.

(h) \$63.50 from July 1, 2018, through June 30, 2019; ~~and~~

(i) \$64.04 ~~on or after~~ from July 1, 2019-, through June 30, 2020; and

(j) \$63.41 on or after July 1, 2020.

(3) through (3)(h) remain the same.

- (i) \$66.97 from July 1, 2018, through June 30, 2019; and
  - (j) ~~\$69.58 on or after from~~ \$69.58 on or after from July 1, 2019, through June 30, 2020; and
  - (k) \$67.32 on or after July 1, 2020.
- (4) and (5) remain the same.

AUTH: 39-71-203, MCA

IMP: 39-71-704, MCA

REASON: There is reasonable necessity to amend ARM 24.29.1433, 24.29.1534, and 24.29.1538 to incorporate the annually updated medical fee schedules and related materials, in order to comply with the provisions of 39-71-704(2), MCA, that require that the department annually establish a medical fee schedule.

4. Copies of the proposed 2020 publication are available and can be accessed at <http://erd.dli.mt.gov/work-comp-claims/medical-regulations>.

5. A printed version of the proposed 2020 publication is also available by contacting Celeste Ackerman at the address, e-mail, or telephone numbers listed in paragraph 2 of this notice.

6. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Celeste Ackerman, Employment Relations Division, P.O. Box 8011, Helena, MT 59604-8011; fax (406) 444-4140; or e-mail to [celeste.ackerman@mt.gov](mailto:celeste.ackerman@mt.gov) and must be received no later than 5:00 p.m., on May 15, 2020.

7. The department maintains a list of interested 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, which includes the name and e-mail or mailing address of the person to receive notices and specifies the particular subject matter or matters regarding which the person wishes to receive notices. Such written request may be mailed or delivered to the Department of Labor and Industry, attention: Mark Cadwallader, 1315 E. Lockey Avenue, P.O. Box 1728, Helena, Montana 59624-1728, faxed to the department at (406) 444-1394, or e-mailed to [mcadwallader@mt.gov](mailto:mcadwallader@mt.gov).

8. An electronic copy of this notice of public hearing is available through the department's web site at <http://dli.mt.gov/events/calendar.asp>, under the Calendar of Events, Administrative Rules Hearings Section. In addition, although the department strives 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, and that a person's difficulties in sending an e-mail do not excuse late submission of comments.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. Pursuant to 2-4-111, MCA, the department has determined that the rule changes proposed in this notice will not have a significant and direct impact upon small businesses.

11. The department's Office of Administrative Hearings has been designated to preside over and conduct this hearing.

/s/ MARK CADWALLADER  
Mark Cadwallader  
Alternate Rule Reviewer

/s/ BRENDA NORDLUND  
Brenda Nordlund, Acting Commissioner  
DEPARTMENT OF LABOR AND  
INDUSTRY

Certified to the Secretary of State April 7, 2020.