

# MT ABLE Committee Meeting

## Minutes

Date: July 9<sup>th</sup>, 2025

Call to Order: Chair, Theresa Baldry

Roll Call: Theresa Baldry, Kathleen Magone, Michael Woods, Lloyd Sparks, Marsha Goetting (public), Lucy Galarus (public)

Public Comment:

Lucy Galarus: "I just opened my ABLE account, and everything was going smoothly, but it requires you to take a picture of your ID to prove you are a human, which is fine, but it lets you into the account and you think everything's set up, but if you don't do that within a certain time frame, it doesn't let you back into your account. Then you have to call and they can press magic buttons so you can get back into your account so you can upload the ID. And I didn't know that was going to happen, so it kind of freaked me out when I could no longer get into my account 3 days after I opened it. And so, if there could be a message when you're setting up that ABLE account saying, this needs to be done within a certain time frame, or else this will happen. That would have been helpful to me, because I completely, um, miss the ID part, but once I called and they explained, it made a lot more sense. But when you just open a bank account. And then you can't get into it. It's a little disconcerting."

Old Business:

Action item: Review and Approve Agenda – Kathleen moved for approval, Lloyd seconded. All in favor. Agenda approved.

Action item: Review and Approval of Previous Meeting Notes (May 25) – Kathleen recommended approval with changes as discussed. Michael seconded. All in favor. Previous meeting minutes approved.

Update on need for new committee members:

**Active members\*** - Lt. Governor Juras explained to Kathleen that even though a committee member's term may have technically expired, the member remains on the committee until resignation.

News on appointments - Michael Woods and Lloyd Sparks have both been appointed to the committee as members

Recruitment efforts as to vacancies – Lucy Galarus advised she has applied to be on the committee as a member of the public with a disability. Theresa advised she reached out to the Lyft Independent Living Center as well as ran a search on the Family-to-Family Health Information Center webpage and the Royal Institute. Lloyd

advised that he reached out to Ability Montana and Summit, and he expressed that Travis Hoffman may submit an application as well. Michael advised he has reached out to the Region II Youth Transitions Committee members and that there is one who is in the process of applying.

Sharing ABLE activities attended: webinars, trainings viewed or provided

Kathleen shared information on an upcoming ABLE activity via email with the group prior to this meeting. She also advised that trainings are available on the ABLE National Resource Center ([ablenrc.org](http://ablenrc.org)) website if anyone is unable to attend.

Discussion ABLE program alternatives other than MT ABLE used by Montanans:

Follow up from DPHHS – Michael has been researching this and found that there is currently no tracking mechanism to determine the location of the ABLE program a Montanan has enrolled with. He found that Virginia is one of the states that allow people from other states to join, and Kathleen has advised that Ohio was one of the first states to set up these types of accounts.

Kathleen requested that Michael or Lloyd reach out to the ABLE National Resource Center ([ablenrc.org](http://ablenrc.org)) to see if they can provide more information on the number of Montanans with ABLE accounts outside of Montana. Michael advised he would reach out to the ABLE National Resource Center ([ablenrc.org](http://ablenrc.org)) to obtain more information.

Discussion of existing contract - when renewed and length of agreement:

Follow up from DPHHS – Michael reported that Montana is a member of the National ABLE Alliance, and they are the one that is contracted with Ascensus for the ABLE accounts. Ascensus has the agreement with Fifth Third Bank to be the bank where the accounts are held. The consortium is who holds the contract with Fifth Third Bank, not Montana.

Michael advised he spoke with state legal representatives regarding a review of the initial contract and second amendment, along with possibly finding a copy of the first amendment, but no progress has been made as of yet. Theresa suggested that Michael look into what kind of agreement was entered into with the consortium.

Discussion of Medicaid Clawback and current practice of DPHHS

Report back from DPHHS – Michael advised that Sarah Sparks, the third-party liability supervisor with the Quality Assurance Division (QAD), was not able to attend today's meeting, but will provide a presentation to this committee at our next meeting on September 10<sup>th</sup> at 10:00 a.m. Michael will forward Sarah the meeting invitation.

Theresa asked that Michael clarify who Cathy Murphy emails when she becomes aware that an ABLE account holder has passed away and determine how she is made aware of the death.

Public Comment:

Lucy Galarus: "I did ask about death and clawback when I was setting up this account. What they said to me is how they are notified if someone has someone who has access to the account has to upload a death certificate to prove the death of a person."

Kathleen told the committee that the death certificate is not typically issued immediately and that it can take a week or two before the certificate becomes available. She explained that it's possible we could build in some language when someone reports a death, whether officially or unofficially, to let people know to pay certain things like funeral expenses before the clawback occurs.

Report as to current Montana ABLE accounts

Michael advised that he spoke with Cathy Murphy and obtained information stating there are a total of 932 Montana ABLE accounts, though this information does not designate whether how many may be for individuals residing out of state.

Follow up from Questions for the state on MCAs:

**53-25-109:** "Application fees provided for in subsection (1)(c) must be deposited in the state special revenue fund to the credit of the department for the administration of the Achieving a Better Life Experience program."

Michael advised he is going to share a list of questions with Sarah to be addressed at our next meeting, including what the balance is of the state special revenue fund and how those funds are being used.

**53-25-111:** Provide clarification on the language for this one. Has DPHHS established procedures for the family of the former designated beneficiary?

Michael will include this in his list of questions for Sarah at our next meeting.

Lloyd will also look into obtaining any information he can outside of QAD regarding 53-25-109 and 53-25-111.

New Business:

Discussion requests for assistance or concerns Montana ABLE accounts: New items?

Theresa advised she has not received any new items, nor has she received clarification as to whether the issue with the debit card from last time has been corrected or not. She did put those individuals in touch with Cathy Muphy, and requested that Michael follow up with Cathy to provide an update to this committee.

Lucy let the committee know that she had an issue when opening her account regarding uploading required documents within a certain timeframe. She advised that she lost access to her account temporarily because she did not meet the deadline. Her issue has been resolved, but Lucy requests that the committee look into how we can improve the process for individuals opening ABLE accounts, including possibly adding a note to the site that lets the user know they will be locked out of their account if the documents are not uploaded by a certain date.

Review MCA 53-25-113, 53-25-117, 53-25-118

53-25-113: Limitations – This language essentially advises that the state is not a guarantor of these accounts and cannot be held liable if something happens.

53-25-117: Deductions for Contributions – This addresses deductions for contributions up to \$3000. This should be further reviewed to determine whether or not we are in alignment with federal statute 15-30-2120.

53-25-118: Tax on Certain Withdrawals of Deductible Contribution – This addresses the process for a withdrawal from the account for a non-qualified expense.

Kathleen will ask Lieutenant Governor Juras if she has someone who could look at both 53-25-117 and 53-25-118 to determine whether the wording is appropriate and consistent with federal code.

Next Meeting Date and Agenda Items: Standing bimonthly meetings on the 2<sup>nd</sup> Wednesday @ 10am September 10<sup>th</sup>, 2025.

Kathleen requested a slot on the agenda for questions or items Michael will need to present to Sarah with Quality Assurance.

Theresa moved to adjourn the meeting. Lloyd seconded. All in favor. Meeting adjourned.

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