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**IDAPA 21
TITLE 01
CHAPTER 03**

**21.01.03 - RULES GOVERNING MEDICAID QUALIFIED UNITS
IN IDAHO STATE VETERANS HOMES**

000. LEGAL AUTHORITY.

The Administrator of the Division of Veterans Services, with the advice of the Veterans Affairs Commission, is authorized by the Idaho Legislature to establish rules governing requirements for admission to Idaho State Veterans Homes and to establish rules governing charges for residency, pursuant to Sections 65-202, 65-204 and 66-907, Idaho Code. The legislature has also directed the Division of Veterans Services to make state veterans homes Medicaid eligible facilities. (3-30-01)

001. TITLE AND SCOPE.

01. Title. These Rules shall be cited as IDAPA 21.01.03, "Rules Governing Medicare and Medicaid Qualified Units in Idaho State Veterans Homes". (4-11-06)

02. Scope. The provisions of this Chapter add to, but do not replace other rules governing the Idaho State Veterans Homes. These rules are intended to add those provisions necessary and advisable to facilitate Medicare and Medicaid eligibility for the Homes. To the extent there is a conflict between these rules and other rules governing the Homes, these rules supersede and have priority over such other rules. (4-11-06)

03. Relationship to Policies and Procedures. The policies and procedures found within the Division of Veterans Services' policy and procedure manual are intended for the uniform guidance of employees and management of the Veterans Homes and to provide certain minimum standards of conduct by employees. However, such policies and procedures are neither contractual in nature nor, unlike these rules, do they have the force and effect of law. Management personnel, within the scope of their duties and employment, may deviate from the division's policies and procedures manual when the health and safety of Veterans Home residents, or special or unique circumstances, reasonably warrant such deviation. (3-30-01)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations for this Chapter. (3-30-01)

003. ADMINISTRATIVE PROVISIONS.

Contested case appeals shall be governed by Division of Veterans Services Rules, IDAPA 21.01.01, "Rules Governing Admission, Residency, and Maintenance Charges in Idaho State Veterans Homes and Division of Veterans Services Administrative Procedure," Sections 982, et seq. (3-30-01)

004. POLICY.

While those who are residents of the Veterans Homes on June 30, 2000, and before, are strongly encouraged to apply for Medicaid benefits, when such benefits may be available to them, it is the policy of the Division of Veterans Services, that participation in the Medicaid program shall be voluntary. Unless required by the legislature, no resident, who was continually a resident on and before June 30, 2000, shall be required, against the resident's will, to participate in the Medicaid program. (4-11-06)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

The principal place of business of the Office of the Idaho Division of Veterans Services is in Boise, Idaho. The office is located at 320 Collins Road, Boise, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: 320 Collins Road, Boise, Idaho 83702. The telephone number of the office is (208) 334-3513. The facsimile number of the office is (208) 334-2627. (3-15-02)

006. PUBLIC RECORDS ACT.

The rules contained herein have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public records. (3-15-02)

007. MEDICAID ELIGIBILITY.

On and after July 1, 2000, all new nursing care residents at the Idaho State Veterans Homes, including re-admitted residents, must either apply for and become eligible for Medicaid benefits, or must pay the maximum monthly nursing care charge as it may be established from time to time. Eligibility for Medicaid benefits is determined entirely by the Idaho Department of Health and Welfare and its agents. Those who cannot, or choose not to, qualify for Medicaid shall be required to pay for services in full from other than Medicaid funds. Care and services for those residents who are Medicaid eligible shall be billed to and paid by Medicaid following the date the respective Veterans Home becomes a qualified Medicaid facility. (3-30-01)

008. MEDICARE ELIGIBILITY.

If eligible for Medicare, an applicant or resident must elect to participate, unless participation is waived by the Home Administrator. (4-11-06)

009. (RESERVED).

010. DEFINITIONS.

Unless otherwise provided herein, the definitions set forth in IDAPA 21.01.01, "Rules Governing Admission, Residency, and Maintenance Charges in Idaho State Veterans Homes and Division of Veterans Services Administrative Procedure," shall apply herein. (3-30-01)

011. CALCULATION OF MAXIMUM CHARGES.

The maximum monthly nursing care charges at the Idaho State Veterans Homes shall be established by the Division Administrator with the advice of the Veterans Affairs Commission. (5-3-03)

012. LEAVE OF ABSENCE OR HOSPITALIZATION.

No reduction in charges will be made for leave of absence or hospitalization and each day will count as if the resident were present at a Home for nursing residents who are paying the maximum monthly nursing care charges, residents eligible for Medicaid will be charged per Medicaid requirements. Also, in the case of a leave of absence or hospitalization in excess of twenty-four (24) hours, the resident will be charged the current VA per diem rate for each absent day unless waived by the Home administrator. In cases of Medicaid-eligible residents, therapeutic leaves may be granted upon a doctor's orders for up to seventy-two (72) hours, not to exceed fifteen (15) days in a calendar year. (3-15-02)

013. -- 999. (RESERVED).

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