

# IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

## 16.03.18 – MEDICAID COST-SHARING

DOCKET NO. 16-0318-1901

### NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 56-253 and 56-257, Idaho Code.

**MEETING SCHEDULE:** A public meeting on the negotiated rulemaking will be held as follows:

<b>PUBLIC (LIVE) MEETING</b>
<b>Tuesday, June 18, 2019 - 2:00 p.m. to 4:00 p.m. (MDT)</b>
<b>Division of Medicaid Office- Conference Room D-East 3232 Elder Street Boise, ID 83705</b>

<b>WEB MEETING INFORMATION</b>
<b>Meeting number: 800 602 105 Event Password: BLTC Event Address for Attendees: <a href="https://idhw.webex.com/idhw/j.php?MTID=m3f3bfac24000bc2ac29db341978b693f">https://idhw.webex.com/idhw/j.php?MTID=m3f3bfac24000bc2ac29db341978b693f</a></b>
<b>TELECONFERENCE CALL-IN - PHONE ONLY 2:00 p.m. (MT) / 1:00 p.m. (PT)</b>
<b>USA Toll: (720) 650-7664 Meeting Number/Access Code: 800 602 105 Meeting Password: 2582</b>

The meeting site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

**METHOD OF PARTICIPATION:** Persons wishing to participate in the negotiated rulemaking may do any of the following:

1. Attend the negotiated rulemaking meeting and participate in the negotiation process;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meeting;
3. Submit written recommendations and comments to the address below.

Send to:  
Idaho Department of Health & Welfare  
Division of Medicaid  
Attn: Jennifer Pinkerton  
3232 Elder Street  
Boise, ID 83705  
E-mail: [Jennifer.Pinkerton@dhw.idaho.gov](mailto:Jennifer.Pinkerton@dhw.idaho.gov)

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

**DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

The Centers for Medicare and Medicaid Services (CMS) identified that Idaho is not in compliance with the reasonableness requirements described at 42 CFR 435.726(c)(i). Currently, Idaho has six categories identifying the Personal Needs Allowance (PNA), which is a deduction allowed during the income eligibility determination which helps offset their individual cost sharing requirement.

These six categories are split up by marital status and by whether or not the participant is responsible for a rent or mortgage expense. In order to retain ongoing authority to administer the Aged and Disabled Waiver programs, the state must apply consistent PNA standards for all participants regardless of marital status in order to meet the reasonableness requirements. Negotiated rulemaking will help determine whether the Personal Needs Allowance (PNA) for HCBS participants who do not have a rent or mortgage expense will be aligned to either 100%, 125%, or 150% of the SSI Federal Benefit to meet the CMS reasonableness requirement.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, contact [Jennifer.Pinkerton@dhw.idaho.gov](mailto:Jennifer.Pinkerton@dhw.idaho.gov), (208) 287-1171. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on Medicaid's web site at the following web address: <https://healthandwelfare.idaho.gov/Medical/Medicaid/MedicaidPolicy/tabid/3543/Default.aspx>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 21, 2019.

Dated this 22nd day of April, 2019.

Tamara Prisock  
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