



Jeff Youtz  
Director

# Legislative Services Office Idaho State Legislature

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## MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee

**FROM:** Senior Legislative Research Analyst - Ryan Bush

**DATE:** October 15, 2013

**SUBJECT:** Department of Health and Welfare - Eligibility for Health Care Assistance for Families and Children

IDAPA 16.03.01 - Rules Pertaining To The Eligibility for Health Care Assistance for Families & Children (Chapter Repeal) (Docket No. 16-0301-1301)

IDAPA 16.03.01 - Rules Pertaining To The Eligibility for Health Care Assistance for Families & Children (Chapter Rewrite) (Docket No. 16-0301-1302)

The Department of Health and Welfare submits notice of proposed rulemaking at IDAPA 16.03.01 - Rules Pertaining To The Eligibility for Health Care Assistance for Families & Children (Chapter Repeal) (Docket No. 16-0301-1301) and (Chapter Rewrite) (Docket No. 16-0301-1302). The Department states that changes in federal law have made the current chapter of rules outdated and out of compliance. Therefore, the Department is repealing Chapter 16.03.01 in its entirety and rewriting it. The Department states that the new chapter will go into effect on January 1, 2014. Specifically, this chapter rewrite accomplishes the following:

- (1) Lists eligibility criteria;
- (2) Defines terms;
- (3) Provides application requirements;
- (4) Provides income requirements for eligibility;
- (5) Provides non-financial requirements such as residency, citizenship and identity;
- (6) Provides for renewal of eligibility including reporting requirements;
- (7) Provides for participant rights;
- (8) Requires group health plan enrollment if available; and
- (9) Describes health coverage for adults, children and pregnant women and access to coverage under other health plans.

The Department states that negotiated rulemaking was not conducted because this change is being done to comply with federal law. There is no fiscal impact associated with this rulemaking.

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The proposed rule appears to be within the statutory authority granted to the Department in Sections 56-202(b), 56-242 and 56-253, Idaho Code.

cc: Department of Health and Welfare - Eligibility for Health Care Assistance for Families and Children  
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Shannon Epperley