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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 10, 2013  
**SUBJECT:** Department of Health and Welfare

IDAPA 16.03.09 - Rules Pertaining To Medicaid Basic Plan Benefits - Missed appointments & provider info (Docket No. 16-0309-1302)

IDAPA 16.03.09 - Rules Pertaining To Medicaid Basic Plan Benefits - Tobacco cessation (Docket No. 16-0309-1303)

**(1) 16.03.09 - Rules Pertaining To Medicaid Basic Plan Benefits - Missed appointments & provider info (Docket No. 16-0309-1302)**

The Department of Health and Welfare submits notice of proposed rulemaking at IDAPA 16.03.09 - Rules Pertaining To Medicaid Basic Plan Benefits - Missed appointments & provider info. The Department states that the proposed rule is to align with changes in federal regulations and to comply with CMS requirements related to missed appointments and clarifies language about provider charges for missed appointments. The Department further states that this rulemaking accomplishes the following:

- (1) Re-validates all provider enrollment information at least every five years;
- (2) Ensures that all providers who prescribe drugs or ordering services for Medicaid participants are enrolled with the agency;
- (3) Ensures that all providers complete a screening process involving site visits and payment of fees for certain providers; and
- (4) Aligns the appeals process for providers denied enrollment with federal requirements.

Specifically, this rulemaking, provides that the Department will not reimburse providers when a participant misses an appointment and providers may not bill participants for missed appointments; revises the provider application process including screening levels, agreements with providers and denial of a provider agreement; clarifies conditions for payments to providers; and removes exceptions to the requirement for Medicare certification for reimbursement for therapy services.

The Department states that negotiated rulemaking was not conducted because these changes are being done to comply with federal requirements. Public hearings will be held on October 15 in Boise, October 17 in Pocatello and October 18 in Coeur d'Alene. 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) and 56-253, Idaho Code, and within federal regulations.

**(2) 16.03.09 - Rules Pertaining To Medicaid Basic Plan Benefits - Tobacco cessation (Docket No. 16-0309-1303)**

The Department of Health and Welfare submits notice of proposed rulemaking at IDAPA 16.03.09 - Rules Pertaining To Medicaid Basic Plan Benefits - Tobacco cessation. The Department states that this rule change is to comply with requirements in the Affordable Care Act. Specifically, this rulemaking requires tobacco cessation counseling for all non-pregnant Medicaid eligible adults over the age of twenty-one who had not been previously covered and provides required coverage of tobacco cessation drug benefits for all Medicaid eligible participants effective January 1, 2014.

The Department states that negotiated rulemaking was not conducted because this rule change will be published as temporary with the pending rule in the January 2014 Idaho Administrative Bulletin and is being done to comply with federal regulations. A public hearing will be held in Boise on October 15. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Department in Section 56-202(b), Idaho Code, and in accordance with Section 2502(a)(2) of the Affordable Care Act.

cc: Department of Health and Welfare  
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