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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 16.05.04 - Rules of the Idaho Council on Domestic Violence & Victim Assistance Grant Funding (Docket No. 16-0504-1301)

IDAPA 16.05.07 - Rules Pertaining To The Investigation & Enforcement of Fraud, Abuse & Misconduct (Docket No. 16-0507-1301)

IDAPA 16.06.12 - Rules Governing the Idaho Child Care Program (ICCP) (Docket No. 16-0612-1301)

IDAPA 16.07.30 - Rules Pertaining To Behavioral Health Community Crisis Centers (Docket No. 16-0730-1301) (New Chapter)

(1) 16.05.04 - Rules of the Idaho Council on Domestic Violence & Victim Assistance Grant Funding (Docket No. 16-0504-1301)

The Department of Health and Welfare submits notice of proposed rulemaking at IDAPA 16.05.04 - Rules of the Idaho Council on Domestic Violence and Victim Assistance Grant Funding. This rulemaking revises the documents incorporated by reference into the rule and where such reference materials are available.

The Department states that negotiated rulemaking was not conducted because informal negotiations were conducted. 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 39-5209, Idaho Code.

(2) 16.05.07 - Rules Pertaining To The Investigation & Enforcement of Fraud, Abuse & Misconduct (Docket No. 16-0507-1301)

The Department of Health and Welfare submits notice of proposed rulemaking at IDAPA 16.05.07 - Rules Pertaining To The Investigation and Enforcement of Fraud, Abuse & Misconduct. The Department states that this rule change is to conform with changes to Section 56-227, Idaho Code, as codified in Senate Bill 1032 (2013). Specifically, this rule change expands the scope of investigations and enforcement actions to include all public assistance providers and programs and not simply Medicaid providers and services. The Department states that this rule change will increase accountability and prevent fraud and abuse of public funds.

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The Department states that negotiated rulemaking was not conducted because the rule change is to conform to statute. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Department in Sections 56-202(b) and 56-1003, Idaho Code, and in accordance with Senate Bill 1032.

(3) 16.06.12 - Rules Governing the Idaho Child Care Program (ICCP) (Docket No. 16-0612-1301)

The Department of Health and Welfare submits notice of proposed rulemaking at IDAPA 16.06.12 - Rules Governing the Idaho Child Care Program (ICCP). The Department states that federal law allows states to waive in-home child care health and safety inspection requirements but not training requirements. Also, ICCP has not required health inspections in order for families with in-home child care to be eligible for a child-care subsidy. This rule change clarifies that inspections are not required for in-home child care but training is required.

The Department states that negotiated rulemaking was not conducted because the rule change puts into rule what is current practice and will not impact individuals affected by the change. 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.

(4) 16.07.30 - Rules Pertaining To Behavioral Health Community Crisis Centers (Docket No. 16-0730-1301) (New Chapter)

The Department of Health and Welfare submits notice of proposed rulemaking at IDAPA 16.07.30 - Rules Pertaining To Behavioral Health Community Crisis Centers. The Department states that this chapter of rules establishes the benefit and eligibility process for behavioral health community crisis centers. Specifically, this rulemaking requires criminal history and background checks; defines terms; provides for access to behavioral health community crisis centers and intake assessment; determines eligibility; provides for emergency services and individualized service plans; provides for use of public funds and benefits; provides for the maintenance of clinical and client records; and provides that individuals receiving services are responsible for paying for services provided.

The Department states that negotiated rulemaking was not conducted because there are no stakeholders outside of the Department. A public meeting will be held on October 18 in Boise with videoconferencing available at the Department's Regional offices. This new chapter incorporates by reference the *Diagnostic and Statistical Manual of Mental Disorders* and *Idaho Behavioral Health Standards*. The Department states that there is no anticipated fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Department in Sections 39-3132, 56-202(b) and 56-1003, Idaho Code.

cc: Department of Health and Welfare
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