



Jeff Youtz
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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: June 24, 2013
SUBJECT: Department of Health and Welfare

IDAPA 16.03.15 - Rules & Minimum Standards for Semi-Independent Group Residential Facilities for Developmentally Disabled or Mentally Ill (Chapter Repeal) (Docket No. 16-0315-1301)

IDAPA 16.06.01 - Rules Pertaining To Child & Family Services (Docket No. 16-0601-1301)

(1) 16.03.15 - Rules & Minimum Standards for Semi-Independent Group Residential Facilities for Developmentally Disabled or Mentally Ill (Chapter Repeal) (Docket No. 16-0315-1301)

The Department of Health and Welfare submits notice of proposed rulemaking at IDAPA 16.03.15 - Rules and Minimum Standards for Semi-Independent Group Residential Facilities for Developmentally Disabled or Mentally Ill. The Department states that this chapter of rules is obsolete and should be repealed. The Department states that it stopped certifying such facilities several years ago because they are private facilities and provide no Medicaid-reimbursed services and because it has limited resources in terms of survey staff.

The Department states that negotiated rulemaking was not conducted because it was not feasible. The Department further states that it has notified the eight facilities impacted by this change of the fact that they will be repealing this chapter. There is no fiscal impact associated with this rulemaking.

The proposed chapter repeal appears to be within the statutory authority granted to the Department in Sections 39-4605 and 56-202(b), Idaho Code.

(2) 16.06.01 - Rules Pertaining To Child & Family Services (Docket No. 16-0601-1301)

The Department of Health and Welfare submits notice of temporary and proposed rulemaking at IDAPA 16.06.01 - Rules Pertaining To Child & Family Services. The Department states that this rule change reflects an increase in the monthly reimbursement for a child in foster care based on the child's age. The 2013 Legislature adopted the Department appropriations budget under House Bill 283, and the legislative intent language specifically increased the foster family stipend rate in those appropriations.

The Department states that negotiated rulemaking was not conducted because this is a temporary rule and negotiated rulemaking was not feasible. The Department states that the only fiscal impact associated with this rulemaking is the ongoing increase in appropriations from the state general fund of \$148,600 added by House Bill 283.

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The proposed chapter repeal appears to be within the statutory authority granted to the Department in Sections 56-202(b) and 56-204A, Idaho Code, and House Bill 283.

cc: Department of Health and Welfare
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