



Jeff Youtz  
Director

# Legislative Services Office Idaho State Legislature

---

*Serving Idaho's Citizen Legislature*

## 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:** September 24, 2013  
**SUBJECT:** Department of Health and Welfare - Legal

IDAPA 16.05.01 - Rules Pertaining To The Use & Disclosure of Department Records (Docket No. 16-0501-1301)

The Department of Health and Welfare submits notice of proposed rulemaking at IDAPA 16.05.01 - Rules Pertaining To The Use & Disclosure of Department Records. The Department states that this rule change allows the Department to disclose a decedent's health information to family members and others directly involved in the decedent's care or payment for care. This rule change is to align the Department's rules with the recently modified HIPAA privacy rule from the Department of Health and Human Services.

The Department states that negotiated rulemaking was not conducted because there is no negotiable content and because this change is being done to bring the rules into alignment with HIPAA. 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 39-242, 56-202(b), 56-221 and 56-1004, Idaho Code, and HIPAA, 45 CFR Subpart E, Section 164.510.

cc: Department of Health and Welfare - Legal  
Tamara Prisock  
Heidi Graham