



Eric Milstead  
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:** Legislative Research Analyst - Elizabeth Bowen

**DATE:** September 12, 2014

**SUBJECT:** Department of Health and Welfare

IDAPA 16.02.01 - Rules Pertaining To The Idaho Time Sensitive Emergency System Council (New Chapter) - Negotiated Rulemaking (Docket No. 16-0201-1401)

IDAPA 16.02.08 - Rules Pertaining To Vital Statistics (Fee Rule) - Proposed Rule (Docket No. 16-0208-1401)

IDAPA 16.02.10 - Rules Pertaining To Reportable Diseases - Proposed Rule (Docket No. 16-0210-1401)

IDAPA 16.02.27 - Rules Pertaining To Radiation Control (Chapter Repeal) - Proposed Rule (Docket No. 16-0227-1401)

IDAPA 16.02.27 - Rules Pertaining To Radiation Control (Chapter Rewrite - Fee Rule) - Proposed Rule (Docket No. 16-0227-1402)

IDAPA 16.03.11 - Rules Pertaining To Intermediate Care Facilities for People with Intellectual Disabilities (ICF/ID) (Chapter Repeal) - Proposed Rule (Docket No. 16-0311-1401)

IDAPA 16.03.11 - Rules Pertaining To Intermediate Care Facilities for People with Intellectual Disabilities (ICF/ID) (Chapter Rewrite) - Proposed Rule (Docket No. 16-0311-1402)

IDAPA 16.05.01 - Rules Pertaining To The Use and Disclosure of Department Records - Proposed Rule (Docket No. 16-0501-1401)

IDAPA 16.06.01 - Rules Pertaining To Child and Family Services - Proposed Rule (Docket No. 16-0601-1401)

The Department of Health and Welfare submits notice of intent to promulgate rules at IDAPA 16.02.01. The Department intends to develop rules for a Time Sensitive Emergency system of care that will address several of the top causes of death in Idaho, including trauma, stroke, and heart attack. Negotiated rulemaking will be conducted at a meeting to be held at 9:00 AM on September 23, 2014, at Oxford Suites, 1426 S. Entertainment Avenue, Boise. The Department will also consider written recommendations and comments submitted on or before October 17, 2014. More information on negotiated rulemaking can be found at the website [www.tse.idaho.gov](http://www.tse.idaho.gov).

The Department also submits notice of several proposed rules.

Mike Nugent, Manager  
Research & Legislation

Cathy Holland-Smith, Manager  
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April Renfro, Manager  
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Glenn Harris, Manager  
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At IDAPA 16.02.08, the proposed rule would increase fees for certain records and records-related services. The purpose of the fee increase would be to cover costs for the Bureau of Vital Statistics. There is no negative fiscal impact on the state general fund. Negotiated rulemaking was not conducted due to the simple nature of the rule change. The rule is consistent with the Department's authority under Section 39-242, Idaho Code.

At IDAPA 16.02.10, the proposed rule would update language in rules relating to reportable diseases. The purpose of the rule is to be consistent with current public health practices. There is no negative fiscal impact on the state general fund. Negotiated rulemaking was not conducted; however, the Department did consult with stakeholders about the rule changes. The rule is consistent with the Department's authority under Sections 56-1003 and 56-1005, Idaho Code.

At IDAPA 16.02.27, the proposed rules would repeal the current chapter of IDAPA on Idaho Radiation Control Rules and replace it with a rewritten chapter. The purpose of the rewrite is to align the rules with Section 56-1043, Idaho Code, which requires the Department to license x-ray producing devices. The rewrite establishes licensure requirements, incorporates references to current standards and federal regulations, and creates licensure fees. Increased administrative costs associated with the rule would be offset by the fees. Negotiated rulemaking was conducted. The rule is consistent with the Department's authority under Sections 56-1003, 56-1007, 56-1041, 56-1043, 56-1044, and 56-1046, Idaho Code.

At IDAPA 16.03.11, the proposed rule would repeal and rewrite language relating to intermediate care facilities for people with intellectual disabilities. The purpose of the rewrite is to conform the rule to current practices and procedures. There is no negative fiscal impact on the state general fund. Negotiated rulemaking was conducted. The rule is consistent with the Department's authority under Sections 39-1303a and 39-1307, Idaho Code.

At IDAPA 16.05.01, the proposed rule would clarify the Department's authority to make a "fact of death" verification to state agencies, insurance companies, and other entities seeking to verify a person's death. There is no negative fiscal impact on the state general fund. Negotiated rulemaking was not conducted due to the simple nature of the rule change. The rule is consistent with the Department's authority under Sections 39-242, 39-5403, 56-221, 56-222, 56-1003, and 56-1004, Idaho Code.

At IDAPA 16.06.01, the proposed rule would allow the Department to cover the costs of driver's training and driver's permits and licenses for foster children. The rule would also reimburse foster parents for the cost of car insurance for a foster child. The purpose of the rule is to improve the Department's chances of recruiting foster parents, increase the number of placement options for older children, and encourage the development of practical life skills for eligible children. No negative fiscal impact to the state general fund is anticipated, as the costs would be paid from the existing Independent Living appropriation. Negotiated rulemaking was not conducted, because the proposed rule confers a benefit. The rule is consistent with the Department's authority under Sections 16-1629, 16-2102, 39-1209 through 32-1211, 39-5603, 39-7501, 56-202(b), 56-204A, 56-803, 56-1003, 56-1004, 56-1004A, and 56-1007, Idaho Code.

cc: Department of Health and Welfare - Child and Family Services  
Beverly Barr and Frank Powell