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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: October 07, 2014

SUBJECT: Department of Health and Welfare

IDAPA 16.02.02 - Rules Pertaining To The Idaho Emergency Medical Services (EMS) Physician Commission - Proposed Rule (Docket No. 16-0202-1401)

IDAPA 16.02.19 - Rules Pertaining To Food Safety and Sanitation Standards for Food Establishments (The Idaho Food Code) - Temporary and Proposed Rule (Docket No. 16-0219-1401)

IDAPA 16.03.01 - Rules Pertaining To Eligibility for Health Care Assistance for Families and Children - Proposed Rule (Docket No. 16-0301-1401)

IDAPA 16.03.03 - Rules Pertaining To Child Support Services - Proposed Rule (Docket No. 16-0303-1401)

IDAPA 16.03.04 - Rules Pertaining To The Food Stamp Program in Idaho - Proposed Rule (Docket No. 16-0304-1401)

IDAPA 16.03.05 - Rules Pertaining To Eligibility for Aid to the Aged, Blind and Disabled (AABD) - Proposed Rule (Docket No. 16-0305-1401)

IDAPA 16.05.07 - Rules Pertaining To The Investigation of Fraud, Abuse, and Misconduct - Proposed Rule (Docket No. 16-0507-1401)

IDAPA 16.07.33 - Rules Pertaining To Adult Mental Health Services - Proposed Rule (Docket No. 16-0733-1401)

(1) IDAPA 16.02.02 - Rules Pertaining To The Idaho Emergency Medical Services (EMS) Physician Commission - Proposed Rule (Docket No. 16-0202-1401)

The Department of Health and Welfare submits notice of proposed rulemaking at IDAPA 16.02.02. The proposed rule references an updated version of the EMS Physician Commission's Standards Manual. Additionally, it revises language in order for the rule to be consistent with 2014 statutory changes. Specifically, the definition of "emergency services" has been changed to accord with Section 56-1012(12), Idaho Code, and definitions of "license" and "licensed EMS personnel" have been added.

There is no negative fiscal impact on the state general fund. Negotiated rulemaking was not conducted; the Department states that it was not feasible due to the nature of the rule changes. The rule is consistent with the Department's authority under Section 56-1023, Idaho Code.

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(2) IDAPA 16.02.19 - Rules Pertaining To Food Safety and Sanitation Standards for Food Establishments (The Idaho Food Code) - Temporary and Proposed Rule (Docket No. 16-0219-1401)

The Department of Health and Welfare submits notice of temporary and proposed rulemaking at IDAPA 16.02.19. The temporary and proposed rule allows legally harvested game meat to be donated to food banks as long as certain conditions are met.

The effective date of the rule is September 1, 2014. There is no negative fiscal impact on the state general fund. Negotiated rulemaking was conducted. Additionally, the Governor has found that temporary adoption of the rule is justified in order to allow hunters to make game meat donations during this year's hunting season. According to the Department, the rule was approved by the Board of Health and Welfare and is therefore consistent with the rulemaking authority granted by Sections 37-121 and 39-1603, Idaho Code.

(3) IDAPA 16.03.01 - Rules Pertaining To Eligibility for Health Care Assistance for Families and Children - Proposed Rule (Docket No. 16-0301-1401)

The Department of Health and Welfare submits notice of proposed rulemaking at IDAPA 16.03.01. The proposed rule relates to eligibility for health care assistance. The rule alters existing language to clarify definitions and align the rule with federal regulations.

There is no negative impact on the state general fund. Negotiated rulemaking was not conducted; the Department states that it was not feasible due to the nature of the rule changes. The rule is consistent with the Department's authority under Section 56-202, Idaho Code.

(4) IDAPA 16.03.03 - Rules Pertaining To Child Support Services - Proposed Rule (Docket No. 16-0303-1401)

The Department of Health and Welfare submits notice of proposed rulemaking at IDAPA 16.03.03. The proposed rule updates statutory references, inserts definitions, and clarifies the factors to be considered in license suspension proceedings. Additionally, the rule deletes an outdated form found in an appendix and refers interested parties to the location of the current form on the Department's website.

There is no negative fiscal impact on the state general fund. Negotiated rulemaking was not conducted due to the technical nature of the changes. The rule is consistent with the Department's authority under Sections 56-203A and 56-1004, Idaho Code.

(5) IDAPA 16.03.04 - Rules Pertaining To The Food Stamp Program in Idaho - Proposed Rule (Docket No. 16-0304-1401)

The Department of Health and Welfare submits notice of proposed rulemaking at IDAPA 16.03.04. The proposed rule amends the definition of "trafficking" in order to be consistent with the revised federal definition.

There is no negative fiscal impact on the state general fund. Negotiated rulemaking was not conducted due to the technical nature of the change. The rule is consistent with the Department's authority under Section 56-202, Idaho Code.

(6) IDAPA 16.03.05 - Rules Pertaining To Eligibility for Aid to the Aged, Blind and Disabled (AABD) - Proposed Rule (Docket No. 16-0305-1401)

The Department of Health and Welfare submits notice of proposed rulemaking at IDAPA 16.03.05. The proposed rule, based on guidance from the Centers for Medicaid and Medicare, clarifies a participant's liability for preexisting medical expenses. Additionally, the rule clarifies a participant's liability when the patient enters or leaves a nursing home during the middle of the month.

The anticipated annual fiscal impact of the changes is \$524,098.92. Negotiated rulemaking was not conducted, as the changes were made to bring the rule into alignment with federal regulations. The rule is consistent with the Department's authority under Section 56-202, Idaho Code.

(7) IDAPA 16.05.07 - Rules Pertaining To The Investigation of Fraud, Abuse, and Misconduct - Proposed Rule (Docket No. 16-0507-1401)

The Department of Health and Welfare submits notice of proposed rulemaking at IDAPA 16.05.07. The proposed rule codifies the Department's reinstatement procedures for individuals or entities who have been excluded from the Medicaid program.

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 56-202, Idaho Code.

(8) IDAPA 16.07.33 - Rules Pertaining To Adult Mental Health Services - Proposed Rule (Docket No. 16-0733-1401)

The Department of Health and Welfare submits notice of proposed rulemaking at IDAPA 16.07.33. The proposed rule updates existing language in order to be consistent with federal and state law. Specifically, the proposed rule amends and adds definitions, removes obsolete language, and clarifies the mental health services currently available through the Department. A public hearing will be held on Friday, October 17, 2014 at the Central Office of the Department of Health and Welfare in Boise. A videoconference of the meeting will be available at various locations throughout the state.

There is no negative fiscal impact on the state general fund. According to the Department, negotiated rulemaking was not conducted because the proposed rule is based on existing practices, laws, and regulations. The rule is consistent with the Department's authority under Section 39-3140, Idaho Code.

cc: Department of Health and Welfare - Adult Mental Health Services
Beverly Barr and Frank Powell