



Eric Milstead
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: Legislative Research Analyst - Elizabeth Bowen

DATE: September 15, 2015

SUBJECT: Department of Health and Welfare

IDAPA 16.07.01 - Behavioral Health Sliding Fee Schedules - Proposed Rule (Docket No. 16-0701-1501)

IDAPA 16.07.10 - Behavioral Health Development Grants (Chapter Repeal) - Proposed Rule (Docket No. 16-0710-1501)

IDAPA 16.07.15 - Behavioral Health Programs (New Chapter-Fee Rule) - Proposed Rule (Docket No. 16-0715-1501)

The Department of Health and Welfare submits notice of proposed rulemaking at IDAPA 16.07.01, 16.07.10, and 16.07.15.

16.07.01

This proposed rule combines the fee schedule for children's mental health, adult mental health, and substance use disorder services. It also updates references and removes obsolete language and tables. Negotiated rulemaking was not conducted due to the nature of the rule change, which is to align this chapter with other rules. There is no anticipated fiscal impact on the state general fund. The Department states that this rulemaking is authorized pursuant to Chapter 3, Title 39, Idaho Code, and Sections 56-1003, 56-1004, 56-1004A, 56-1007, and 56-1009, Idaho Code.

16.07.10

The proposed rule repeals this chapter of rules in its entirety. The current rules relate to behavioral health development grants. Since legislation has been passed to create regional behavioral health boards and community crisis centers, the Department is developing a system of behavioral health care, and the behavioral health development grants are no longer necessary. Also, no additional funds have been appropriated for the grants.

Negotiated rulemaking was not conducted due to the nature of the rule change, which addresses changes made to the law and to the state's behavioral health care system. There is no anticipated fiscal impact on the state general fund. The Department states that this rulemaking is authorized pursuant to Chapter 3, Title 39, Idaho Code.

16.07.15

Mike Nugent, Manager
Research & Legislation

Cathy Holland-Smith, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

This proposed rule creates a new chapter of rules relating to the development of a behavioral health care system. The rule:

- Describes the Department's legal authority to develop the behavioral health system;
- Provides for administrative appeals;
- Provides for confidentiality of certain records;
- Sets forth requirements for criminal history and background checks of direct care or service providers;
- Defines terms;
- Provides requirements for certificates of approval for behavioral health programs;
- Establishes an application process for certificates of approval;
- Provides administration requirements for behavioral health programs; and
- Imposes an approval fee for each program location. This fee replaces fees currently charged under IDAPA 16.07.20, which is being repealed.

Negotiated rulemaking was conducted, and there is no anticipated impact on the state general fund. The Department states that this rulemaking is authorized pursuant to Chapter 3, Title 39, Idaho Code.

cc: Department of Health and Welfare
Tamara Prisock

COST/BENEFIT ANALYSIS FORM
Department of Health and Welfare
Administrative Procedures Section (APS)

Docket Number: 16-0715-1501

Agency Contact: Treena Clark
Phone: 334-6611

Rules Specialist: Bev Barr
Phone: 334-5736

Date Analysis Completed: 6/23/15

IDAPA Chapter Number and Title: IDAPA 16.07.15, "Behavioral Health Programs"

Fee Rule Status: Proposed Temporary Effective date: 7/1/2016

Instructions:

Section 67-5223(3), Idaho Code, requires that all proposed rules in which a fee or charge is imposed or increased must include a statement of economic impact (cost/benefit analysis) of the rule change at the time the rule text is submitted for publication. This analysis needs to include an estimated cost to the agency to implement the rule and an estimated cost to be borne by citizens, or the private sector, or both.

Cost/Benefit Analysis For This Rule Change:

Currently the Department collects fees from substance use disorders treatment and recovery support facilities that is a mandatory fee. It is \$100 per treatment facility, and \$50 per recovery support service.

The Department is integrating the alcohol and substance use disorders services and treatment facilities with mental health services into a "Behavioral Health Programs" to serve these behaviors. BH program providers will be approved by the Department on a voluntary basis for those seeking an approval for their BH program. The approval fee will be for review and inspections of BH programs at a flat fee of \$100 per each location.

The new fee structure may lower some costs of some current providers, but will increase costs for providers who voluntarily seek the approval of BH programs. The Department anticipates that the numbers of providers may increase, but the fee receipts will cover any costs associated with the increased number of providers.