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**IDAPA 16
TITLE 04
Chapter 09**

**16.04.09 - RULES AND MINIMUM STANDARDS FOR
DEVELOPMENTAL DISABILITIES IN-HOME FINANCIAL ASSISTANCE**

000. LEGAL AUTHORITY.

Statutory authority to adopt the following rules and minimum standards for the provision of in-home financial assistance is vested in the Director of the Department of Health and Welfare, pursuant to Section 39-5103, Idaho Code. (10-1-83)

001. TITLE AND SCOPE.

These rules govern the provision of in-home financial assistance by the Department of Health and Welfare to eligible clients and are to be cited as Idaho Department of Health and Welfare Rules, IDAPA 16, Title 04, Chapter 09, "Rules and Minimum Standards for Developmental Disabilities In-home Financial Assistance." (12-31-91)

002. POLICY.

It is the policy of the Department of Health and Welfare to encourage and participate in programs which assist parents or guardians in maintaining handicapped individuals in their own homes through in-home financial assistance. In-home financial assistance may be utilized to allow the parents of children who are institutionalized or parents of children for whom institutionalization may be imminent, and who will, as a result of the in-home financial assistance grant, return or keep their children home. (10-1-83)

003. DEFINITIONS.

For purposes of the rules contained in IDAPA 16, Title 04, Chapter 09, the following terms are used as defined herein: (10-1-83)

01. Department. The Idaho Department of Health and Welfare. (10-1-83)
02. Developmental Disability. A disability which, as defined in Section 39-4604(2), Idaho Code: (10-1-83)
 - a. Is attributable to an impairment, such as mental retardation, cerebral palsy, epilepsy, autism or other condition found to be closely related to or similar to one of these impairments that requires similar treatment or services or is attributable to dyslexia resulting from such impairments; and (10-1-83)
 - b. Has continued or can be expected to continue indefinitely; and (10-1-83)
 - c. Constitutes a substantial handicap to such person's ability to function normally in society; and (10-1-83)
 - d. In addition to the foregoing statutory requirements, which occurred prior to age twenty-one (21). (10-1-83)
03. Director. The Director of the Department of Health and Welfare or his designee. (12-31-91)
04. Individual Habilitation Plan. Pursuant to Section 39-5102(4), Idaho Code, a written document describing the care and developmental needs of a developmentally disabled child and specifying the program of services or treatment required to effect positive change in specific areas of need. (10-1-83)
05. Institution. Any public or private residential facility which is licensed in the state of Idaho or from which the state of Idaho is purchasing out-of-state residential services for the purpose of providing care, treatment and training for developmentally disabled persons. (10-1-83)
06. Parent. The natural or adoptive parent, guardian, person who stands in loco parentis to the child, or a person to whom legal custody has been given by a court, and in whose home the child resides. (10-1-83)
07. Substantial Handicap. A disability which as defined in Section 39-4604(3), Idaho Code: (10-1-83)

- activity:
- a. Results in substantial functional limitation in three (3) or more of the following areas of major life activity:
 - i. Self care; (12-31-91)
 - ii. Receptive and expressive language; (12-31-91)
 - iii. Learning; (12-31-91)
 - iv. Mobility; (12-31-91)
 - v. Self-direction; (12-31-91)
 - vi. Capacity for independent living; or (12-31-91)
 - vii. Economic self-sufficiency; and (12-31-91)
 - b. Reflects the need for a combination and sequence of special, interdisciplinary, or generic care, treatment or other services which are lifelong or extended duration, and individually planned and coordinated. (10-1-83)

004. -- 099. (RESERVED).

100. ELIGIBILITY FOR SERVICES.

Pursuant to Sections 39-5104 through 39-5104(f), Idaho Code, any client who meets all of the following criteria is eligible to receive in-home financial assistance: (12-31-91)

- 01. Developmental Disability. Eligibility is limited to a developmentally disabled individual who is twenty-one (21) years of age or younger; and (10-1-83)
- 02. Presumptive Eligibility for Medical Assistance. Eligibility is further limited to such individuals who are either eligible or presumptively eligible for medical assistance without reference to the income or resources of such individual's parents; and (12-31-91)
- 03. Parental Responsibilities. Eligibility is further limited to an individual, at least one (1) of whose parents:
 - a. Reside within the state of Idaho; and (12-31-91)
 - b. Desire to maintain the child within their home or to return the child to their home from an institution; and (10-1-83)
 - c. Are willing to participate in the development of an individual habilitation plan; and (10-1-83)
 - d. Are willing to sign an agreement to implement an individual habilitation plan; and (10-1-83)
 - e. Are willing to obtain the agreed-upon services or equipment; and (10-1-83)
 - f. Are willing to maintain an accounting of the funds expended for services and equipment. (10-1-83)

101. -- 199. (RESERVED).

200. LIMITATIONS ON USE OF FINANCIAL ASSISTANCE.

In accordance with Section 39-5103, Idaho Code, the following limits are established: (10-1-83)

- 01. Amount of Assistance. The amount of financial assistance provided shall not exceed two hundred

and fifty dollars (\$250) per month per child. (10-1-83)

a. This limit may be waived in writing for cause by the Director in cases of extraordinary need; however (12-31-91)

b. No grant of assistance shall exceed thirty-three percent (33%) of the current average cost of ICF/MR care in the state of Idaho, as determined by the Department. (12-31-91)

02. Income Eligibility. The amount of financial assistance provided will be made without regard to the parent's income or eligibility for any other program administered by the Department. (10-1-83)

03. Educational Services. The financial assistance provided cannot be used for payment of educational or educationally-related services which properly are the responsibility of local public schools. (10-1-83)

04. Fees for Service. The financial assistance provided shall be excluded from family financial resources in determining the fee for service to be charged for any service provided by the Department. (10-1-83)

05. Freedom of Use. Consistent with an individual habilitation plan, parents shall be free to select from among qualified providers of services. (10-1-83)

06. Other Resources. Funds under this program shall not be used instead of, nor to supplant, funds from other programs for which the child is eligible. (10-1-83)

201. -- 249. (RESERVED).

250. USE OF ASSISTANCE MONIES.

In accordance with Section 39-5103(4), Idaho Code, in-home financial assistance monies may be used for, but are not limited to, any of the following items listed in the approved individual habilitation plan: (10-1-83)

01. Diagnostic and Evaluative Procedures. Diagnostic and evaluative procedures, such as psychological assessment, medical evaluation, and neurological examination. (10-1-83)

02. Purchase or Rent of Special Equipment. Purchase or rent of special equipment, such as wheelchair, crutches, and braces. (10-1-83)

03. Specialized Therapies. Specialized therapies, such as physical therapy, occupational therapy and speech therapy. (10-1-83)

04. Special Diets. Special diets, such as sugar-free, milk-free and protein supplements. (10-1-83)

05. Medical and Dental Care. Medical and dental care costs beyond that covered under the family's health insurance, federally-funded medical assistance, or Crippled Children's Services. (10-1-83)

06. Home Health Care. Home health care, such as visiting nurse or attendant care services. (10-1-83)

07. Counseling. Counseling for the child or family, such as behavior management, parent training and crisis intervention. (10-1-83)

08. Respite Care. Respite care, including both in-home and out-of-home care. (10-1-83)

09. Child Care. Babysitting, child care or day care. (10-1-83)

10. Special Clothing. Special clothing, such as corrective shoes, helmets, or that required due to physical disability. (10-1-83)

11. Transportation. Related transportation, such as to and from doctor's office, clinic or training centers. (10-1-83)

12. Housing Modifications. Housing modifications for the purposes of accessibility or ease in handling such as ramps, widened doors, or railings. (10-1-83)

13. Recreational Services. Leisure time activities of child, such as movies, camps, swimming or other individual or group activities. (10-1-83)

14. Other Related Costs. Similar or related costs, such as admission fees to training programs and special feeding equipment. (10-1-83)

251. -- 299. (RESERVED).

300. ARRANGEMENTS FOR FINANCIAL ASSISTANCE.

01. Application for Service. Parents may apply for assistance using an "Application for In-home Financial Assistance" form (HY-0685). Priority for service shall be given to developmentally disabled individuals living in an institution, or whose placement in an institution may be imminent. (10-1-83)

02. Individual Habilitation Plan. Parents will participate in the development of an individual habilitation plan (IHP), "Multidisciplinary Treatment Plan," form (HY-0721) outlining their child's care and intended use of assistance funds. (10-1-83)

03. Payment of Assistance. The Adult and Child Development Center will determine the dollar amount in conjunction with the parents' and child's needs. The amount granted shall not exceed, nor will it exceed limits established in Subsection 200.01, the amount documented as needed to maintain the child in or return the child to the home. (12-31-91)

a. Payment to parents is to be made monthly by authorization of an "Expenditure Voucher" (DA-8) made payable to the parent at his address, charged to program code 617 and class code 9590 (Other Relief and Pensions). (10-1-83)

b. The signed individual habilitation plan of services and equipment must be attached to the voucher, and fifteen (15) days should be allowed for processing of payment. (10-1-83)

c. Once per month parents shall document their expenditures to the Adult and Child Development Center and develop an Expenditure Voucher for the next month's payment. (10-1-83)

04. Monitoring of Expenditures. A file will be established for each child to include a copy of the application, individual habilitation plan and record of expenditures. This material will be reviewed monthly. (10-1-83)

05. Renewal of Assistance. Applications for assistance will be reviewed at least annually and funds awarded based upon determination of continued need, available resources, and priority for services. (10-1-83)

301. -- 349. (RESERVED).

350. DISCONTINUANCE OF ASSISTANCE.

Pursuant to Section 39-5105, Idaho Code, in-home financial assistance may be terminated under the following conditions: (10-1-83)

01. Parental Action. The parents request termination; or (10-1-83)

02. Death of Child. Death of the child; or (10-1-83)

03. Out-of-Home Placement. Voluntary or court ordered out-of-home placement of the child; or (10-1-83)

04. Ineligibility. The provisions of Section 100 are no longer met; or (12-31-91)
05. Funding. Inadequate funds are available for continuance. (10-1-83)

351. -- 994. (RESERVED).

995. NONDISCRIMINATION.

Adult and Child Development Centers will not refuse service to any person due to race, color, religion, national origin, handicap, age, or because of inability to pay. Refusal to pay by someone who is determined able to pay may result in denial of services. The Civil Rights/Affirmative Action Coordinator is the designated contact person within the Department, and may be contacted for any further information concerning the nondiscrimination commitment of the agency. (12-31-91)

996. ADMINISTRATIVE PROVISIONS.

Contested case appeals shall be governed by Idaho Department of Health and Welfare Rules, IDAPA 16, Title 05, Chapter 03, Section 000, et seq., "Rules Governing Contested Cases and Declaratory Rulings." (12-31-91)

997. CONFIDENTIALITY OF RECORDS.

Any disclosure of information obtained by the Department is subject to the restrictions contained in Idaho Department of Health and Welfare Rules, IDAPA 16, Title 05, Chapter 01, "Rules Governing the Protection and Disclosure of Department Records." (12-31-91)

998. INCLUSIVE GENDER.

For the purpose of these rules, words used in the masculine gender include the feminine or vice versa, where appropriate. (10-1-83)

999. SEVERABILITY.

The rules of IDAPA 16, Title 04, Chapter 09, Rules of the Department of Health and Welfare are severable. If any rule, or part thereof, or the application of such rule to any person or circumstance is declared invalid, that invalidity does not affect the validity of any remaining portion of this chapter. (10-1-83)