

## **HOUSE CONCURRENT RESOLUTION NO. 23**

LEGISLATURE OF THE STATE OF IDAHO  
SIXTY-FIRST LEGISLATURE FIRST REGULAR SESSION - 2011

IN THE HOUSE OF REPRESENTATIVES  
HOUSE CONCURRENT RESOLUTION NO. 23  
BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE DEPARTMENT OF HEALTH AND WELFARE RELATING TO MEDICAID BASIC PLAN BENEFITS BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF IDAHO:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Department of Health and Welfare relating to Medicaid Basic Plan Benefits is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 16.03.09, Medicaid Basic Plan Benefits, Section 514, Abortion Procedures: Provider Qualifications and Duties, Subsection 01.d. relating to Documentation that the woman was under the age of eighteen (18) at the time of sexual intercourse, only, relating to Rules of the Department of Health and Welfare, adopted as a permanent rule under Docket Number 16-0309-0604, be, and the same is hereby rejected and declared null, void and of no force and effect.

### **Statement of Purpose / Fiscal Impact:**

#### **STATEMENT OF PURPOSE RS20521**

This legislation closes an unnecessary loophole in the rules governing taxpayer funded abortions under the State's Medicaid program.

#### **FISCAL NOTE**

This legislation will result in potential savings of Medicaid dollars.

Adopted: March 30, 2011.