

# IDAPA 16 – IDAHO DEPARTMENT OF HEALTH AND WELFARE

## Division of Behavioral Health

### 16.07.01 – Behavioral Health Sliding Fee Schedules

#### **Who does this rule apply to?**

*For those seeking behavioral health services under the Department's Division of Behavioral Health, and those financially responsible for those seeking the services.*

#### **What is the purpose of this rule?**

*These rules provide the sliding fee schedules, based on federal poverty guidelines, and fee determination process for the adult mental health, children's mental health, and substance use disorders programs within the Department. This chapter of rules applies both to voluntary and court-ordered recipients.*

#### **What is the legal authority for the agency to promulgate this rule?**

*This rule implements the following statutes passed by the Idaho Legislature:*

Health and Safety -

Regional Behavioral Health Services:

- [Section 39-3137, Idaho Code](#) – Services to be Nondiscriminatory – Fees
- [Section 39-3140, Idaho Code](#) – Department Rules

Alcoholism and Intoxication Treatment Act:

- [Section 39-309, Idaho Code](#) – Payment for Treatment – Financial Ability of Patients

Juvenile Proceedings -

Children's Mental Health Services:

- [Section 16-2433, Idaho Code](#) – Department Rules

Criminal Procedure -

Judgement:

- [Section 19-2524, Idaho Code](#) – Consideration of Community-based Treatment to Meet Behavioral Health Needs in Sentencing and Post-sentencing Proceedings

#### **Where can I find information on Administrative Appeals?**

*Administrative appeals and contested cases are governed by the provisions of IDAPA 16.05.03, "Contested Case Proceedings and Declaratory Rulings."*

#### **How do I request public records?**

*Unless exempted, all public records are subject to disclosure by the Department that will comply with Title 74, Chapter 1, Idaho Code, upon requests. Confidential information may be restricted by state or federal law, federal regulation, and IDAPA 16.05.01, "Use and Disclosure of Department Records."*

#### **Who do I contact for more information on this rule?**

Idaho Department of Health and Welfare  
Division of Behavioral Health –  
Substance Use Disorders Services  
450 West State Street  
Boise, ID 83702-0036  
Email: [BHIDAPAQuestions@dhw.idaho.gov](mailto:BHIDAPAQuestions@dhw.idaho.gov)  
Websites:

P.O. Box 83720, 3rd Floor  
Boise, ID 83720-0036  
Phone: (208) 334-6997 or 1-800-264-6979  
Fax: (208) 334-5998

Substance Use Disorder Services Program:

<https://healthandwelfare.idaho.gov/Default.aspx?TabId=105>

Idaho Mental Health Services: <https://healthandwelfare.idaho.gov/Default.aspx?TabId=103>

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**Zero-Based Regulation Review – 2025 for Rulemaking and 2026 Legislative Review**

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## 16.07.01 – BEHAVIORAL HEALTH SLIDING FEE SCHEDULES

### 000. LEGAL AUTHORITY.

Under Sections 16-2433, 19-2524, 20-511A, and 39-3137, Idaho Code, the Director is authorized to promulgate, adopt, and enforce rules for the charging of fees for services provided by mental health and substance use disorders providers. Under Section 39-309, Idaho Code, the Board of Health and Welfare is authorized to promulgate, adopt, and enforce rules for the charging of fees for services provided by mental health and substance use disorders providers. (3-15-22)

### 001. TITLE AND SCOPE.

**01. Title.** These rules are titled IDAPA 16.07.01, “Behavioral Health Sliding Fee Schedules.” (3-15-22)

**02. Scope.** These rules provide the sliding fee schedules, based on federal poverty guidelines, and fee determination process for the adult mental health, children’s mental health, and substance use disorders programs within the Department. This chapter of rules applies both to voluntary and court-ordered recipients. (3-15-22)

### 002. -- 009. (RESERVED)

### 010. DEFINITIONS.

For the purposes of this chapter, the following definitions apply. (3-15-22)

**01. Ability to Pay.** The financial capacity that is available to pay for the program services after allowable deductions in relation to gross income and family size exclusive of any liability of third party payor sources. (3-15-22)

**02. Adjusted Gross Income.** Total family annual income less allowable annual deductions. (3-15-22)

**03. Adult.** An individual eighteen (18) years of age or older. (3-15-22)

**04. Adult Mental Health Program.** A program administered by the Idaho Department of Health and Welfare to serve seriously mentally ill and severely and persistently mentally ill adults. (3-15-22)

**05. Allowable Annual Deductions.** In determining the family's ability to pay for behavioral health services, the following are allowable annual deductions: (3-15-22)

**a.** Court-ordered obligations; (3-15-22)

**b.** Dependent support; (3-15-22)

**c.** Child care payments necessary for parental employment; (3-15-22)

**d.** Medical expenses; (3-15-22)

**e.** Transportation; (3-15-22)

**f.** Extraordinary rehabilitative expenses; and (3-15-22)

**g.** State and federal tax payments, including FICA taxes. (3-15-22)

**06. Behavioral Health Services.** Services offered by the Department to improve mental health and substance use disorders issues. (3-15-22)

**07. Child.** An individual who is under the age of eighteen (18) years. (3-15-22)

**08. Children’s Mental Health Program.** A program as defined in IDAPA 16.07.37, “Children’s Mental Health Services,” administered by the Idaho Department of Health and Welfare. (3-15-22)

**09. Court-Ordered Obligations.** Financial payments which have been ordered by a court of law. (3-15-22)

**10. Court-Ordered Recipient.** A person receiving behavioral health services under Sections 19-2524,

20-520(i), and 20-511A, Idaho Code. (3-15-22)

**11. Department.** The Idaho Department of Health and Welfare. (3-15-22)

**12. Dependent Support.** An individual that is dependent on their family's income for over fifty percent (50%) of his financial support. (3-15-22)

**13. Extraordinary Rehabilitative Expenses.** Those payments incurred as a result of the disability needs of the person receiving services. They include annual costs for items including wheelchairs, adaptive equipment, medication, treatment, or therapy which were not included in the medical payments deduction and the annual estimate of the cost of services received. (3-15-22)

**14. Family.** A family is an adult, or married adults, or adult(s) with children, living in a common residence. (3-15-22)

**15. Family Household.** Persons in a family related by blood, marriage, or adoption. Adult siblings who are not claimed as dependents and individuals receiving Supplemental Security Income (SSI) or Supplemental Security Disability Income (SSDI) are excluded from consideration as a member of the household for income and counting purposes. Income from minor siblings is excluded from household income. The term "family household" is synonymous with the term "family unit." (3-15-22)

**16. Federal Poverty Guidelines.** Guidelines issued annually by the Federal Department of Health and Human Services establishing the poverty income limits. The federal poverty guidelines for the current year may be found online at <http://aspe.hhs.gov/poverty>. (3-15-22)

**17. Management Service Contractor (MSC).** An independent contractor with whom the Department contracts to manage a statewide network of Department-approved facilities and programs to deliver substance use disorders treatment and recovery support services. (3-15-22)

**18. Parent.** The person who, by birth or through adoption, is legally responsible for a child. (3-15-22)

**19. Recipient.** The person receiving services. The term "recipient" is synonymous with the terms: "patient," "participant," "resident," "consumer," or "client." (3-15-22)

**20. Sliding Fee Scale.** A scale used to determine an individual's financial obligation for services based on Federal Poverty Guidelines and the number of persons in the family household. (3-15-22)

**21. Substance Use Disorders Program.** A program administered by the Idaho Department of Health and Welfare to serve adolescents and adults with alcohol or substance use disorders. (3-15-22)

**22. Third-Party Payor.** A payor other than a person receiving services or a responsible party who is legally liable for all or part of the person's care. (3-15-22)

**011. -- 099. (RESERVED)**

**100. FINANCIAL RESPONSIBILITY OF PARENTS FOR CHILDREN'S MENTAL HEALTH SERVICES.**

Parents of children eligible for services under IDAPA 16.07.37, "Children's Mental Health Services," Section 407 who receive services either directly from the Department's Children's Mental Health program or through Department contracts with private providers are responsible for paying for services provided to their child and to their family. Financial responsibility of the child's parent(s) for each service not covered by third party liable resources or payments, including private insurance and Medicaid will be established in accordance with the child's parent(s) ability to pay as determined by the sliding fee scale in Section 300 of these rules. (3-15-22)

**101. -- 199. (RESERVED)**

**200. FINANCIAL RESPONSIBILITY FOR ADULT MENTAL HEALTH SERVICES.**

Adults receiving services either directly from the Department's Adult Mental Health program or through Department contracts with private providers are responsible for paying for services they receive. Financial responsibility for each service not covered by third party liable resources or payments, including private insurance and Medicaid will be established in accordance with the individual's ability to pay as determined by the sliding fee scale in Section 300 of these rules. (3-15-22)

**201. -- 299. (RESERVED)**

**300. SLIDING FEE SCHEDULE FOR CHILDREN'S MENTAL HEALTH, ADULT MENTAL HEALTH, AND SUBSTANCE USE DISORDERS SERVICES.**

Following is the sliding fee schedule for children's mental health, adult mental health, and substance use disorders services:

<b>TABLE 300 - SLIDING FEE SCHEDULE FOR CHILDREN'S MENTAL HEALTH, ADULT MENTAL HEALTH, AND SUBSTANCE USE DISORDERS SERVICES.</b>	
<b>Percent Federal of Poverty Guidelines</b>	<b>Percentage of Cost Sharing Responsibility of a Parent, or Adult Services Recipient</b>
0% - 99%	0%
100%-109%	5%
110%-119%	10%
120%-129%	15%
130%-139%	20%
140%-149%	25%
150%-159%	30%
160%-169%	35%
170%-179%	40%
180%-189%	45%
190%-199%	50%
200% - 209%	55%
210% - 219%	60%
220% - 229%	65%
230% - 239%	70%
240% - 249%	75%
250% - 259%	80%
260% - 269%	85%
270% - 279%	90%
280% - 289%	95%
290% - and above	100%

(3-15-22)

**301. -- 399. (RESERVED)**

**400. CALCULATING INCOME TO APPLY THE SLIDING FEE SCHEDULE FOR CHILDREN'S MENTAL HEALTH AND ADULT MENTAL HEALTH SERVICES.**

The fee determination process includes consideration of the following subsections in this rule. (3-15-22)

**01. Application and Fee Determination Form.** Prior to the delivery of behavioral health services, an application for services and a "Fee Determination" form must be completed. (3-15-22)

**a.** A child's parent(s) must complete the application and fee determination form when requesting Children's Mental Health services. (3-15-22)

**b.** An adult requesting Adult Mental Health services must complete the application and fee determination form. (3-15-22)

**02. Ability to Pay.** Financial obligations are based upon the number of persons in the family household and the adjusted gross income of those persons as determined using the following: (3-15-22)

**a.** An ability to pay determination will be made at the time of the voluntary request for services or as soon as possible, thereafter. (3-15-22)

**b.** Redetermination of ability to pay will be made at least annually or upon request or at any time changes occur in family size, income, or allowable deductions. (3-15-22)

**c.** In determining the family's ability to pay for services, the Department will deduct annualized amounts for the following: (3-15-22)

i. Court-ordered obligations; (3-15-22)

ii. Dependent support; (3-15-22)

iii. Child care expenses necessary for parental employment; (3-15-22)

iv. Medical expenses; (3-15-22)

v. Transportation; (3-15-22)

vi. Extraordinary rehabilitative expenses; and (3-15-22)

vii. State and federal tax payments, including FICA taxes. (3-15-22)

**03. Required Information.** Information regarding third-party payors and other resources, including Medicaid or private insurance, must be identified and developed in order to fully determine the child's parent(s) or adult individual's ability to pay and to maximize reimbursement for the cost of services provided. It is the responsibility of the parents, legal guardian, or adult individual to obtain and provide information not available at the time of the initial financial interview whenever that information becomes available. (3-15-22)

**04. Time of Payment.** Payment for services will be due upon delivery of services unless other arrangements are made. (3-15-22)

**05. Financial Obligation.** A financial obligation for each service not covered by third party liable resources or payments, including private insurance and Medicaid, will be established in accordance with Section 300 and Subsection 400.01 of these rules but in no case will the amount owed exceed the cost of the service. In no case will the annual financial obligation exceed five percent (5%) of adjusted gross income of the family household. (3-15-22)

**06. Fees Established by the Department.** The maximum hourly fees or flat fees charged for Behavioral Health services are established by the Department of Health and Welfare. (3-15-22)

**a.** The fees for Children's Mental Health Services and Adult Mental Health Services are based on the cost for services set in Department contracts with service providers. Current information regarding services and fee charges can be obtained from regional Children's Mental Health and Adult Mental Health offices specified online. (3-15-22)

**b.** The fees for Substance Use Disorders Services are based on the cost for services set in Department contracts with the Management Services Contractor. Current information regarding services and fee charges can be obtained from the Department office described in Section 005 of these rules. (3-15-22)

**401. -- 999. (RESERVED)**