Intermediate Care Facility for People with Intellectual Disabilities (ICF/ID) Waiver Requests

In the State of Idaho, Intermediate Care Facilities for Persons with Mental Retardation (ICFs/MR) have been re-titled as Intermediate Care Facilities for People with Intellectual Disabilities (ICFs/ID). However, Federal regulations have not changed. Therefore, for the purposes of this document, ICF/MR and ICF/ID are used interchangeably.

What is a waiver request?

ICF/ID providers may request that a State Rule be waived. A waiver to State Rules may be granted based on the following:

1. The granting of the waiver is not considered as a precedent or be given any force or effect in any other proceeding (IDAPA 16.03.11.700).

2. The granting of the waiver does not endanger the health or safety of any individual who may reside in the facility (IDAPA 16.03.11.700).

There are no waivers for the Federal Regulations.

How do I request a waiver?

All waiver requests must be submitted in writing. All required materials necessary for requesting a waiver may be found below or requested from the Bureau of Facility Standards (BFS) at (208) 334 - 6626.

What is included in the waiver request packet?

The waiver request packet includes what must be submitted and reviewed by the Bureau of Facility Standards (items #1) and resource information (items #2 and #3) as follows:

1. A narrative report which includes:
   - A description of the circumstances/reasons the waiver is being

requested
- The specific IDAPA rule(s) to be waived
- The date you would like the waiver to be effective
- The length of time you anticipate needing the waiver
- How you will ensure that obtaining the waiver will not endanger the health or safety of any individual who may reside in the facility (i.e. ensuring additional staff are available, ensuring other safety measures are in place, etc.)
- Additional information as applicable (i.e. room dimensions, closet space parameters, etc.)

2. IDAPA 16.03.11: Idaho Administrative Rules for ICFs/ID.

3. Appendix J: Federal regulations for ICFs/MR.

How do I complete the waiver request?

Review the State Rules (item #2 above) to determine which State Rule is applicable to your waiver request. Then review the Federal Regulations (item #3 above) to ensure there is not a corresponding Federal Regulation as Federal Regulations cannot be waived. If after your review, you determine you waiver request applies to State Rule only, then complete a narrative report as described in item #1 above.

Please ensure that all information is included and that all hand-printed reports are clearly printed and easily readable.

Where do I send my completed waiver request materials?

The waiver request materials can be submitted by mail and/or hand delivered. ***PLEASE KEEP A COPY FOR YOUR RECORDS***.

- If you are mailing the waiver request packet, mail to:

  Department of Health and Welfare
  Bureau of Facility Standards
  P.O. BOX 83720
  BOISE, ID 83720-0009

- If you are hand delivering the waiver request packet, deliver to:

  Department of Health and Welfare
  Bureau of Facility Standards

3232 Elder Street
Boise ID 83705

What happens after I submit my waiver request materials?

Bureau of Facility Standards (BFS) staff will review the submitted materials. If the request is incomplete, or if there are questions, BFS staff will contact you. When a decision has been made, a written response granting or denying the waiver request will be sent to you.

How long will the waiver request process take?

The length of the waiver request process varies depending on multiple factors such as whether or not the request is complete, whether or not additional information needs to be submitted, current work load and availability of resources necessary to complete the request review, etc. Therefore, it is not possible for BFS to establish specific timeframes.

How long will my waiver be in effect?

The length of time a waiver remains in effect is dependent on a multiple factors such as the circumstances/reasons for the waiver, what State Rule is being waived, etc. BFS will specify the length of time your waiver is in effect in the written response granting the waiver.

If you wish to receive an extension, please submit a request to BFS before the expiration of the waiver period and certify that conditions under which the original requested was made have not changed since the initial waiver was granted. To do so, please complete and submit updated waiver request information as specified in the "What is included in the waiver request packet" section above.

Additional information

For additional information please contact the Bureau of Facility Standards at (208) 334-6626 or email questions to **fsb@dhw.idaho.gov**.