

**DIVISION OF MEDICAID
POLICY UPDATE
September 2015**

ADMINISTRATIVE RULES

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| Docket 16-0316-1501 | 16-0316-1501 Premium Assistance – Chapter Repeal 2014 legislation (Session Law, Chapter 80) repealed existing state law to remove reference to the Children's Access Card Program. Idaho's Title XXI federally funded waiver, known as "premium assistance," was discontinued at the end of 2013, making this rulemaking non-negotiable to meet current laws and regulations. | |
| | Negotiated Rulemaking | None |
| | Negotiated Written Comment | None |
| | Published as temp/proposed | Proposed |
| | Comment period ends | 8/26/15 |
| | Changes to rules based on comment submitted to APS | |
| | Pending rule publish | 11/4/2015 |

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| Docket 16-0309-1501 | 16-0309-1501 School-based Services and Therapy Services The rule changes are needed to clarify gaps that have been identified in these rules and adjust to changes in current Medicaid practice. Further, rule changes are needed to adjust requirements currently resulting in an unnecessary burden on providers in their efforts to remain in compliance with the rule. 1. Regarding School-Based Services: changes will be made to add clarification to program requirements, increase quality assurance activities, and remove unnecessary regulatory burden that has been identified by stakeholders statewide. 2. Regarding Therapy Services: changes will be made to define maintenance therapy and specify when it is covered, clarify descriptions of therapy aides and assistants to be consistent with the descriptions in the licensure board rules, clarify the type of supervision that is required, redefine the requirements for physician orders, address Tele Health (i.e., when it can be used, utilization management methods, quality control measures using the 2015 legislative statutes), and, define the criteria for feeding therapy. | |
| | Negotiated Rulemaking | Yes |
| | Negotiated Written Comment | Yes |
| | Published as temp/proposed | 10/7/2015 |
| | Comment period ends | 9/23/2015 |
| | Changes to rules based on comment submitted to APS | |
| | Pending rule publish | 1/6/16 |

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| Docket 16-0309-1502 | 16-0309-1502 Primary Care (PCMH) The Department is moving towards outcome based health care policy initiatives with the implementation of the legislative intent language passed by the 2015 Legislature. Current rules for primary care case management and for health homes need to be revised to support the new health care policy initiatives. |
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| | The changes to these rules will provide for the services and provider reimbursement changes needed to support the new model of care for participants. Out dated language will be removed from these rules and other references needed to support the new model will be added. |
| Negotiated Rulemaking | Yes |
| Negotiated Written Comment | Yes |
| Published as temp/proposed | 10/7/2015 |
| Comment period ends | 8/28/15 |
| Changes to rules based on comment submitted to APS | |
| Pending rule publish | 1/6/16 |

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| Docket 16-0310-1501 | 16-0310-1501 Enhanced Plan - HCBS These rule changes are needed to align with and implement new requirements in federal regulations that went into effect March 17, 2014, for Idaho’s Home and Community Based Services (HCBS) offered through 1915(i), State Plan, and 1915(c) waiver authorities. The purpose of the regulations is to enhance participants’ opportunity to receive services in the most integrated settings appropriate, and to increase their opportunities for choice and access to the benefits of community living. New rules pertaining to Home and Community Based Services will be added to ensure that participants receiving HCBS services live in and receive services in settings that comply with required qualities of settings, service delivery methods, and person-centered planning processes. | |
| | Negotiated Rulemaking | Yes |
| | Negotiated Written Comment | Yes |
| | Published as temp/proposed | 10/7/2015 |
| | Comment period ends | 10/28/15 |
| | Changes to rules based on comment submitted to APS | |
| | Pending rule publish | 1/6/16 |

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| Docket 16-0313-1501 | 16-0313-1501 Consumer Directed Services - HCBS These rule changes are needed to align with and implement new requirements in federal regulations that went into effect March 17, 2014, for Idaho’s Home and Community Based Services (HCBS) offered through 1915(i) and 1915(c) waiver authorities. The purpose of the regulations is to enhance participants’ opportunity to receive services in the most integrated settings appropriate, and to increase their opportunities for choice and access to the benefits of community living. New rules pertaining to Home and Community Based Services will be added to ensure that participants receiving HCBS services live in and receive services in settings that comply with required qualities of settings, service delivery methods, and person-centered planning processes. |
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| | Negotiated Rulemaking | Yes |
| | Negotiated Written Comment | Yes |
| | Published as temp/proposed | 10/7/2015 |
| | Comment period ends | 10/28/15 |
| | Changes to rules based on comment submitted to APS | |
| | Pending rule publish | 1/6/16 |

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| Docket 16-0318-1501 | 16-0309-1503 Align third party liability with federal statute This rulemaking is needed for the Department to align state rules with federal statute for third-party liability regarding early and periodic screening and diagnosis services. | |
| | Negotiated Rulemaking | No |
| | Negotiated Written Comment | No |
| | Published as temp/proposed | Proposed/Pending |
| | Comment period ends | 7/22/15 |
| | Changes to rules based on comment submitted to APS | |
| | Pending rule publish | 11/4/15 |

RULES COMING SOON-TEMP/PROPOSED

Autism Spectrum Disorder (ASD)

STATE PLAN AMENDMENTS TITLE XIX

- 13-019** **MAGI Single State Agency (ACA XIX SPA Action 4)**
Tribal Coordinator Notified 8/2/13
Submitted to CMS 10/8/13 – 90 day clock is 1/6/14
Informal RAI received 10/17/13 – responded 11/1/13
Additional questions received 11/25/13 – responded 11/26/13
Informal RAI #2 received 12/12/13– responded 12/19/13
Formal RAI received 12/24/13 – 90 day response date 3/24/14
Formal RAI response submitted 2/20/14 – new 90 day clock is 5/21/14
Formal RAI response withdrawn 5/8/14 – stopping clock
Submitted to CMS 09-14-15 – 90 day clock is 12/13/15
- 15-002** **Single State Agency – Change to State Based Marketplace**
Tribal Coordinator Notified 2/9/2015
Submitted to CMS 3/18/15 – 90 day clock is 6/16/15
Formal RAI received 6/11/2015
Submitted to CMS 09-14-15 – 90 day clock is 12/13/15
- 15-003** **In-patient psychiatric hospital reimbursement**
Tribal Coordinator notified 5/18/15
Submitted to CMS 6/25/15 – 90 day clock is 9/22/15
Informal RAI received 7-21-2015
Informal response submitted 8/12/15
Withdrawn
- 15-004** **In-patient hospital UPL**
Tribal Coordinator notified 5/22/2015
Submitted to CMS 6/26/2015 – 90 day clock is 9/23/2015
Informal RAI received 7/27/15
Informal response submitted 8/12/15
Formal RAI received 09/30/15 – 90 day response date 12/29/15
- 15-005** **In-Patient IMD Psychiatric Hospital Reimbursement Re-Submission (15-003)**
Tribal Coordinator notified **TBD**
Submitted to CMS 9/30/2015 – 90 day clock is 12/29/2015

SPA COMING SOON

Autism Spectrum Disorder (ASD)
HCBS
Pregnant Women?
PCCM
Health Home
PCCM reimbursement
MMCP Counties
COB realignment

STATE PLAN AMENDMENTS TITLE XXI

WAIVER ACTIVITY

- WVR 15-01** **IBHP (b) Waiver renewal**
Tribal Coordinator Notified 3/18/15
Submitted to CMS 6/1/2015
Informal RAI received 6-11-2015
RAI response submitted 6/16/15 – new 90 day clock is 9/14/15
- WVR 15-04** **Act Early Waiver Amendment**
Submitted to CMS 6-29-15
Informal RAI received 7-17-15
RAI response submitted 8-4-2015
Approved 8/21/15

WAIVER AMENDMENTS COMING SOON

- Autism Spectrum Disorder (ASD)
HCBS Waiver changes
Reimbursement changes for Adult DD Waiver (Supreme Court Decision)
1915(i) Children's Renewal