

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.09 - MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-1809

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2019 Idaho State Legislature for final approval. The pending rule becomes final and effective *Sine Die*, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to [Section 56-202\(b\) and 56-264, Idaho Code](#).

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

This rule, regarding school-based Medicaid services, revises the definition of “personal assistant” to remove unnecessary job qualifications. The purpose of the rule is to make it easier for providers to offer services in a school-based setting. Under the new language, the job qualifications for school-based providers will be consistent with the job qualifications for community-based providers offering similar services.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the [August 1, 2018, Idaho Administrative Bulletin, Vol. 18-8, pages 83-88](#).

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

This is a technical change to the rule, changing the requirements to be a PCS provider in school settings to match the requirements for service providers outside of the school setting. This will not change the current process or provider types. There is no anticipated fiscal impact to state general funds, or any other funds as a result of this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact [Angie Williams, \(208\) 287-1169](#) or e-mail Angie.Williams@dhw.idaho.gov.

DATED this _____ day of _____, 2018.

Tamara Prisock
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450 W. State Street - 10th Floor
P.O. Box 83720
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IDAHO DEPARTMENT OF
HEALTH & WELFARE

C.L. "BUTCH" OTTER – Governor
RUSSELL S. BARRON – Director

TAMARA PRISOCK – Division Administrator
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LIST OF EXHIBITS

Proposed Rule

MEDICAID BASIC PLAN BENEFITS

Docket Number: 16-0309-1809

Deadline for Comment: August 22, 2018

<u>EXHIBIT NO.</u>	<u>SUBMITTED BY</u>	<u>DESCRIPTION</u>	<u>NO. PAGES</u>
1	Legislative Services Office Elizabeth Bowen, Sr. Legislative Research Analyst Statehouse PO Box 83720 Boise, ID 83720-0054	Memorandum <i>Rec'd 08/08/2018</i>	2
2	Legislative Services Office Elizabeth Bowen, Sr. Legislative Research Analyst Statehouse PO Box 83720 Boise, ID 83720-0054	Letter <i>Rec'd 08/24/2018</i>	1



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee

FROM: Principal Legislative Research Analyst - Elizabeth Bowen

DATE: August 08, 2018

SUBJECT: Department of Health and Welfare

IDAPA 16.03.09 - Medicaid Basic Plan Benefits - Temporary and Proposed Rule (Docket No. 16-0309-1809)

IDAPA 16.03.10 - Medicaid Enhanced Plan Benefits - Temporary and Proposed Rule (Docket No. 16-0310-1801)

16.03.09

Summary and Stated Reasons for the Rule

This temporary and proposed rule, regarding school-based Medicaid services, revises the definition of "personal assistant" to remove unnecessary job qualifications. The purpose of the rule is to make it easier for providers to offer services in a school-based setting. Under the new language, the job qualifications for school-based providers will be consistent with the job qualifications for community-based providers offering similar services. The Governor finds that the temporary rule is justified because it confers a benefit.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was not conducted due to the technical nature of the rule change. There is no anticipated negative fiscal impact on the state general fund.

Statutory Authority

I.C. 56-202(b), I.C. 56-264.

16.03.10

Summary and Stated Reasons for the Rule

This temporary and proposed rule enacts a new chapter of rules regarding Idaho Medicaid Plus, a managed care program for persons who are eligible for both Medicaid and Medicare. The rule provides definitions, a process for implementation of Idaho Medicaid Plus, eligibility requirements, and a description of covered services and limitations. The purpose of the rule is to comply with HB 260 (2011), which directed the Department of Health and Welfare to develop managed care plans for high-cost Medicaid populations. Idaho Medicaid Plus will be one of two plans available to persons eligible for both Medicaid and Medicare.

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted. The anticipated fiscal impact is \$930,000. The Department intends to request federal financial participation, which, if granted, would mean that \$93,000 would come from the state general fund, with the remaining \$837,000 paid by the federal government.

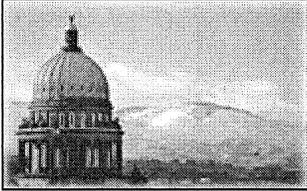
Statutory Authority

I.C. 56-202(b), I.C. 56-260 through I.C. 56-266.

cc: Department of Health and Welfare
Frank Powell and Trinette Middlebrook

***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules must be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.



Legislative Services Office Idaho State Legislature

Eric Milstead
Director

Serving Idaho's Citizen Legislature

August 24, 2018

Frank Powell and Trinette Middlebrook
Admin. Procedures Section
Department of Health and Welfare
PO Box 83720
Boise, ID 83720-0036

Dear Frank Powell and Trinette Middlebrook:

The Senate and House Subcommittees for review of administrative rules have reviewed the proposed changes to the Department of Health and Welfare rules:

IDAPA 16.03.09 - Medicaid Basic Plan Benefits - Temporary and Proposed Rule - Docket No. 16-0309-1809

IDAPA 16.03.10 - Medicaid Enhanced Plan Benefits - Temporary and Proposed Rule - Docket No. 16-0310-1801

No meeting will be held, and we are pleased to report that no objections will be filed.

Sincerely yours,

Elizabeth Bowen
Principal Legislative Research Analyst

ELB/jk

cc:

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

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