

# IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

## 16.03.10 - MEDICAID ENHANCED PLAN BENEFITS

DOCKET NO. 16-0310-1804

### 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 July 1, 2019, 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 Sections 56-202(b), 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.

Currently, IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits" specifies a list of covered organ transplants. As medical science has advanced, the procedures accepted as standard treatment have surpassed what rule allows. Section 56-255, Idaho Code, requires Medicaid to cover medically necessary services, and coverage has been approved under the allowance in IDAPA 16.03.09, "Medicaid Basic Plan Benefits" for coverage of investigational services for life-threatening medical conditions without other treatment options, or through Early, Periodic, Screening, Diagnostic and Treatment (EPSDT) services for children under 21. This rulemaking aligns these rules with statute.

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 September 5, 2018, Idaho Administrative Bulletin, Vol. 18-9, pages 160-162.

**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:

The fiscal impact of expanding lung organ transplants to include participants over the age of 21, and covering liver transplants from live donors would be cost neutral as current requests are paid under investigational services.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact William Deseron at (208) 287-1179.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Tamara Prisock  
DHW - Administrative Rules Unit  
450 W. State Street - 10th Floor  
P.O. Box 83720  
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# Negotiated Rulemaking Meeting and Comment Summary

June 26, 2018 10AM – 11AM (MDT) 9AM – 10AM (PDT)  
Negotiated Rulemaking DOCKET NO. 16-0310-1804

**Facilitator: William Deseron, Policy Analyst**

Bureau of Medical Care – David Welsh, Program Manager

Bureau of Medical Care – Tracy Lombard, Medicaid Policy Analyst

## Call to Order and Outline Meeting Format

### I. Purpose of Meeting

- a. These organ transplants for Medicaid are currently covered for all ages.
  - i. Bone marrow
  - ii. Cornea
  - iii. Kidneys
  - iv. Hearts
  - v. Intestines
  - vi. Livers (Only from deceased donors)
- b. Lung transplants are only covered for children under the age of 21.

### II. Discussion Points

- a. Coverage of liver transplants from live donors.
- b. Coverage of lung transplants for adults over the age of 21.

### III. Follow Up

- a. Written comments for Docket No. 16-0310-1804 are to be submitted on or before Friday, June 29, 2018 to:

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