

**WHAT ARE IDAPA RULES
AND
WHERE DO I FIND THEM???**

ADMINISTRATIVE RULES

- In Idaho, this body of rules is called the *Idaho Administrative Code* or IDAPA
- Idaho Administrative Code must not be confused with Idaho Code, the body of law (statutes) that govern the State of Idaho.
 - Idaho Administrative Code=Rules/IDAPA (depend on laws)
 - Idaho Code=laws

WHAT IS IN THE IDAHO ADMINISTRATIVE CODE/IDAPA?

- **The Idaho Administrative Code (IDAPA) is a compilation of all final and temporary administrative rules affecting the citizens of Idaho that have been promulgated and adopted in accordance with the requirements of the Idaho Administrative Procedure Act.**

ADMINISTRATIVE RULES/IDAPA

- Have the *force and effect* of law
- Derive their authority from the state law (Idaho Code)

HOW DO I FIND IDAPA RULES FOR MEDICAID REIMBURSABLE SCHOOL BASED SERVICES?

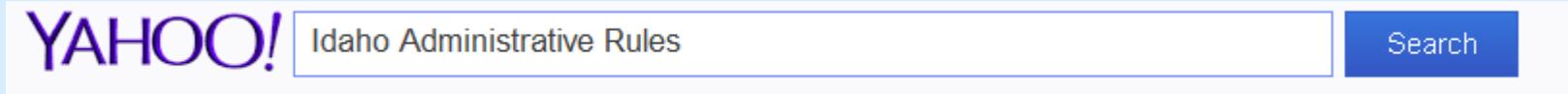
- Pull up your preferred search engine

This could be:



- etc...

ONCE THERE TYPE IN IDAHO ADMINISTRATIVE RULES



YAHOO! Idaho Administrative Rules Search

A screenshot of a Yahoo! search bar. The search bar is white with a blue border. The text 'Idaho Administrative Rules' is entered into the search field. To the right of the search field is a blue button with the word 'Search' in white. A green arrow points from the top center towards the search bar. Another green arrow points from the bottom right towards the 'Search' button.

- **And click on Search**

THIS WILL BE THE VIEW OF THE NEXT SCREEN

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Idaho Administrative Rules



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Idaho Administrative Code. Alphabetical Index of the State Agencies and IDAPA Designations. The agency **rules** are in Adobe Portable Document Format (PDF).

CLICK ON HOME/ADMINRULES.IDAHO.GOV

The image shows a screenshot of a Yahoo! search engine interface. The search bar contains the text "Idaho Administrative Rules" and a "Search" button. Below the search bar, the search results are displayed. The first result is titled "Home | adminrules.idaho.gov" and is marked as "Cached". The snippet for this result reads: "Administrative Rules. Administrative Rules have the force and effect of law and as such are subject to a comprehensive process that includes review and approval by ...". Below the snippet, there are several blue hyperlinks: "Current Code", "Search", "Administrative Code", "Idaho Code", "Administration", and "Current Proposed Rules". The second result is titled "Administrative Code | adminrules.idaho.gov" and is also marked as "Cached". Its snippet reads: "Idaho Administrative Code. Alphabetical Index of the State Agencies and IDAPA Designations. The agency rules are in Adobe Portable Document Format (PDF).". On the left side of the search results, there is a vertical menu with options: "Web", "Images", "Video", "Shopping", "Maps", "Blogs", "More", "Anytime", and "Past day". Two green arrows point to the first search result: one points to the "Home | adminrules.idaho.gov" link, and the other points to the "adminrules.idaho.gov" link in the snippet.

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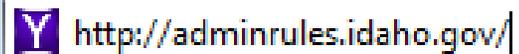
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OR...

- Open your internet browser and type in:
 - <http://adminrules.idaho.gov/>

A screenshot of a web browser's address bar. On the left side, there is a purple icon with a white letter 'Y'. To the right of the icon, the text 'http://adminrules.idaho.gov/' is displayed in a black font. The address bar has a light blue border and a white background.

BY CLICKING ON THE WEBSITE LINK IT WILL TAKE YOU TO THE STATE OF IDAHO'S OFFICE OF THE ADMINISTRATIVE RULES:

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Administrative Rules have the force and effect of law and as such are subject to a comprehensive process that includes review and approval by the Idaho Legislature in order to become final and enforceable.

Idaho Administrative Code

» **Idaho Administrative Code** - A compilation of all legally-promulgated administrative rules that are currently in effect and fully enforceable.

Idaho Administrative Code Archive

» **Idaho Administrative Code Archive**

Idaho Administrative Procedure Act

» **Idaho Administrative Procedure Act - Title 67, Chapter 52, Idaho Code**

Idaho Administrative Bulletin

» **Idaho Administrative Bulletin** - The monthly publication of amendments to or repeals of current rules, newly-proposed rules, Executive Orders of the Governor, and other related rules documents.

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» **Proposed Administrative Rules Form (PARF)**

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CLICK ON IDAHO ADMINISTRATIVE CODE

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Contact Information:
Email: rulescoordinator@adm.idaho.gov
Phone: 208.332.1820

SCROLL DOWN AND CLICK ON HEALTH AND WELFARE, DEPARTMENT OF (16)

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Department of Health and Welfare

Contact Information

Agency Contact:
Jan Hanke
Telephone: 208.334.5564
Department of Health and Welfare

Rules

- » 16.01.01, Emergency Medical Services (EMS) -- Advisory Committee (EMSAC)
- » 16.01.07, Emergency Medical Services (EMS) -- Personnel Licensing Requirements
- » 16.01.12, Emergency Medical Services (EMS) -- Complaints, Investigations, and Disciplinary Actions
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Email: rulescoordinator@adm.idaho.gov
Phone: 208.332.1820

ADDITIONAL INFORMATION

- The following instructions apply to any and all IDAPA Rules providers are required to be in compliance with.
- For this presentation we have used 16.03.09 as an example.

ADDITIONAL INFORMATION CONTINUED...



The information contained within this presentation does not identify ALL potential rule sets/locations within IDAPA that providers are responsible for ensuring compliance.

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- » 16.03.02, Minimum Standards for Skilled Nursing and Intermediate Care Facilities
- » 16.03.03, Child Support Services
- » 16.03.04, Food Stamp Program in Idaho
- » 16.03.05, Rules Governing Eligibility for Aid to the Aged, Blind and Disabled (AABD)
- » 16.03.06, Refugee Medical Assistance
- » 16.03.07, Rules for Home Health Agencies
- » 16.03.08, Rules Governing the Temporary Assistance for Families in Idaho (TAFI) Program
- » 16.03.09, Medicaid Basic Plan Benefits
- » 16.03.10, Medicaid Enhanced Plan Benefits
- » 16.03.11, Intermediate Care Facilities for People With Intellectual Disabilities (ICF/ID)
- » 16.03.12, Long Term Care Provider Remedies in Idaho
- » 16.03.13, Consumer-Directed Services
- » 16.03.14, Rules and Minimum Standards for Hospitals in Idaho
- » 16.03.16, Premium Assistance
- » 16.03.17, Medicare/Medicaid Coordinated Plan Benefits
- » 16.03.18, Medicaid Cost-Sharing
- » 16.03.19, Rules Governing Certified Family Homes

- » 16.03.20, Electronic Payments of Public Assistance, Food Stamps, and Child Support
- » 16.03.21, Developmental Disabilities Agencies (DDA)
- » 16.03.22, Residential Care or Assisted Living Facilities in Idaho
- » 16.03.23, Rules Governing Uniform Assessments for State-Funded Clients
- » 16.03.24, The Medically Indigent Program - Request for Medicaid Eligibility Determination
- » 16.03.25, Idaho Medicaid Electronic Health Record (EHR) Incentive Program

- » 16.04.02, Telecommunication Service Assistance Program
- » 16.04.04, Early Intervention Services for Infants and Toddlers
- » 16.04.06, Fees for Adult/Child Development Center Services

BY CLICKING ON 16.03.09. IT WILL TAKE YOU TO THE TABLE OF CONTENTS OF THAT RULE SET:

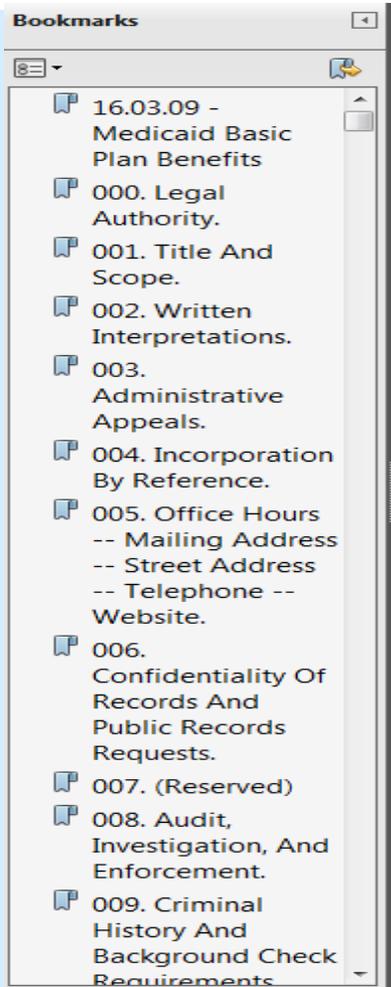


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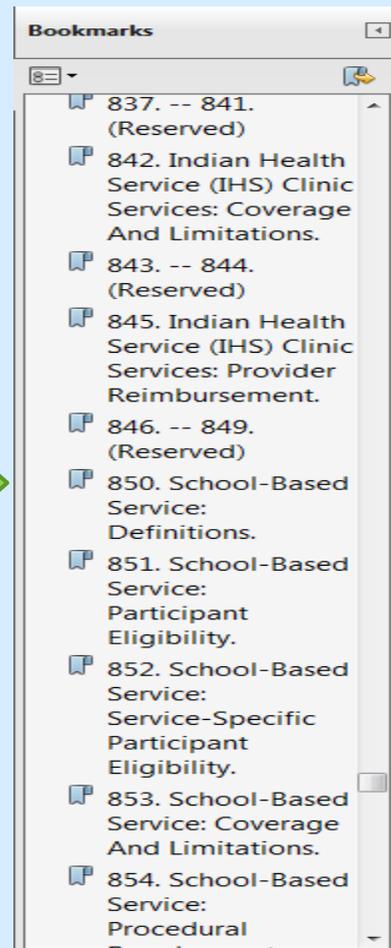
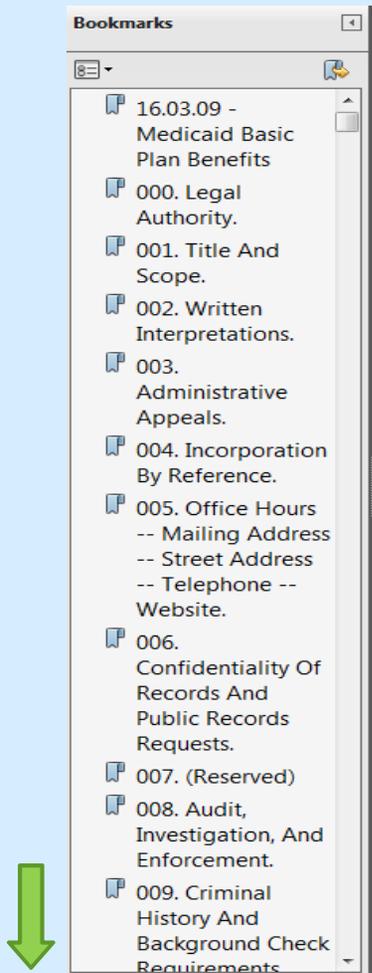
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ON THE LEFT BAR UNDER BOOKMARKS SCROLL DOWN AND CLICK ON 850. SCHOOL- BASED SERVICES: DEFINITIONS.



BY CLICKING ON SECTION 850 IT WILL TAKE YOU TO THE BEGINNING OF SECTION 850 SCHOOL-BASED SERVICES: DEFINITIONS.

850. SCHOOL-BASED SERVICE: DEFINITIONS.

01. **Activities of Daily Living (ADL).** The performance of basic self-care activities in meeting an individual's needs for sustaining him in a daily living environment, including, but not limited to, bathing, washing, dressing, toileting, grooming, eating, communication, continence, mobility, and associated tasks. (3-30-07)

02. **Educational Services.** Services that are provided in buildings, rooms, or areas designated or used as a school or as educational facilities, which are provided during the specific hours and time periods in which the educational instruction takes place in the normal school day and period of time for these students, and which are included in the individual educational plan for the participant. (3-29-10)

03. **School-Based Services.** School-based services are health-related and rehabilitative services provided by Idaho public school districts and charter schools under the Individuals with Disabilities Education Act (IDEA). (7-1-13)

04. **The Psychiatric Rehabilitation Association (PRA).** An association that works to improve and promote the practice and outcomes of psychiatric rehabilitation and recovery. The PRA also maintains a certification program to promote the use of qualified staff to work for individuals with mental illness. <https://netforum.avectra.com/eWeb/StartPage.aspx?Site=USPRA>. (3-20-14)

05. **Practitioner of the Healing Arts.** A physician's assistant, nurse practitioner, or clinical nurse specialist who is licensed and approved by the state of Idaho to make such recommendations or referrals for Medicaid services. (7-1-13)

06. **Serious Mental Illness (SMI).** In accordance with 42 CFR 483.102(b)(1), a person with SMI: (3-20-14)

a. Currently or at any time during the year, must have had a diagnosable mental, behavioral, or emotional disorder of sufficient duration to meet the diagnostic criteria specified in the DSM-V; and (3-20-14)

b. Must have a functional impairment that substantially interferes with or limits one (1) or more major life activities. Functional impairment is defined as difficulties that substantially interfere with or limit role

RULE REFERENCES WITHIN A RULE

- Some rules have references to other rules that may or may not be within the same chapter or section.

For Example 16.03.09.855.01.a.iv

855. SCHOOL-BASED SERVICE: PROVIDER QUALIFICATIONS AND DUTIES.
Medicaid will only reimburse for services provided by qualified staff. The following are the minimum qualifications for providers of covered services: (7-1-13)

01. **Behavioral Intervention.** Behavioral intervention must be provided by or under the supervision of a professional. (7-1-13)

a. A behavioral intervention professional must meet the following: (7-1-13)

i. An individual with an Exceptional Child Certificate who meets the qualifications defined under IDAPA 08.02.02, "Rules Governing Uniformity," Section 028; or (7-1-13)

ii. An individual with an Early Childhood/Early Childhood Special Education Blended Certificate who meets the qualifications defined under IDAPA 08.02.02, "Rules Governing Uniformity," Section 019; or (7-1-13)

iii. A Special Education Consulting Teacher who meets the qualifications defined under IDAPA 08.02.02, "Rules Governing Uniformity," Section 029; or (7-1-13)

iv. Habilitative intervention professional who meets the requirements defined in IDAPA 16.03.10 "Medicaid Enhanced Plan Benefits," Section 685; or (7-1-13)

v. Individuals employed by a school as certified Intensive Behavioral Intervention (IBI) professionals prior to July 1, 2013, are qualified to provide behavioral intervention; and (7-1-13)

vi. Must be able to provide documentation of one (1) year's supervised experience working with children with developmental disabilities. This can be achieved by previous work experience gained through paid employment, university practicum experience, or internship. It can also be achieved by increased on-the-job supervision experience gained during employment at a school district or charter school. (7-1-13)

RULE REFERENCES WITHIN A RULE

CONTINUED...

- When you see a reference such as this, it is the providers responsibility to review the additional rule and ensure compliance.
 - For example, the previous rule (16.03.09.855.01.a.iv) refers to the Habilitative Intervention Professional as outlined in 16.03.10.685
 - The Provider would need to then go to the 16.03.10. rule set and review the rule citations for Habilitative Intervention Provider Qualifications and Duties (16.03.10.685.03)

03. Habilitative Intervention. Habilitative intervention must be provided by a DDA certified to provide both support and intervention services under IDAPA 16.03.21, "Developmental Disabilities Agencies (DDA)," and is capable of supervising the direct services provided, or by the Infant Toddler Program. Providers of habilitative intervention must meet the following minimum qualifications: (7-1-13)

a. Must hold at least a bachelor's degree in a human services field from a nationally-accredited university or college; (7-1-11)

b. Must be able to provide documentation of one (1) year's supervised experience working with children with developmental disabilities. Experience must be gained through paid employment or university practicum experience or internship; (7-1-11)

c. Must complete competency coursework approved by the Department to demonstrate competencies related to the requirements to provide habilitative intervention; or (7-1-11)

d. Individuals working as Developmental Specialists for children age birth through three (3) or three (3) through 17, and individuals certified as Intensive Behavioral Intervention professionals prior to July 1, 2011, are qualified to provide habilitative intervention until June 30, 2013. The individual must meet the requirements of the Department-approved competency coursework by June 30, 2013 to maintain his certification. (7-1-11)

THIS POWERPOINT IS A
RESOURCE TOOL FOR
PROVIDERS TO GAIN THE
KNOWLEDGE TO ACCESS
IDAPA RULES AND DOES
NOT INCLUDE ALL RULES
THAT PROVIDERS ARE
REQUIRED TO FOLLOW

***Providers must follow all applicable Medicaid Reimbursed School-Based services Rules.**