

Dear Senators LODGE, Broadsword & Werk, and  
Representatives BLOCK, Nielsen & Henbest:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Health and Welfare: 16.03.05.

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 10-9-08. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 11-6-08.

\_\_\_\_\_The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-2475, or send a written request to the address or FAX number indicated on the memorandum enclosed.

## MEMORANDUM

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

**FROM:** Research & Legislation Staff - Paige Alan Parker

**DATE:** September 22, 2008

**SUBJECT:** Department of Health and Welfare - IDAPA 16.03.05 - Eligibility for Aged, Blind, and Disabled (AABD)(Docket No. 16-0305-0802) (Proposed and Temporary)

The Department of Health and Welfare submits this proposed and temporary rule (docket No. 16-0305-0802) (hereinafter “proposed rule”) to amend IDAPA chapter 16.03.05 dealing with eligibility for aged, blind, and disabled (AABD). The Governor’s justification for the temporary rule is to confer a benefit to low income individuals hired for temporary census work. The temporary rule is effective January 1, 2009.

According to the Department, the temporary and proposed rule is authorized pursuant to sections 56-202 and 56-203, Idaho Code. Sections 56-202(b), Idaho Code, provides the Department with general and broad rulemaking authority under Idaho’s public assistance law. Section 56-203(b), Idaho Code, provides the Department with the power to cooperate with the federal government in carrying out the purposes of any federal acts pertaining to public assistance or welfare services, and other matters of mutual concern. Section 56-203(g), Idaho Code, grants the Department the power to define persons entitled to medical assistance in such terms as will meet requirements for federal financial participation in medical assistance payments.

According to the Department, Idaho has approval from the Centers for Medicare and Medicaid Services to exempt temporary income earned by individuals temporarily working for the Census Bureau on the 2010 census. The Department states that the temporary and proposed rule will allow low income individuals who are eligible for assistance through AABD to earn additional income and gain job experience through conducting field work for the Census Bureau beginning in 2009.

According to the Department, no fee or charge is imposed by the proposed rule and there is no anticipated fiscal impact to the General Fund. According to the Department, negotiated rulemaking was not conducted because the rulemaking is being made to confer a benefit. The Department states that public hearing(s) will be scheduled if requested in writing by 25 persons, a political subdivision or an agency, not later than October 15, 2008. All written comments must be delivered to the Department on or before October 22, 2008.

### **ANALYSIS**

The sole addition by this temporary and proposed rule is to add a new section 359, Temporary Census Income, providing that “[a]ll wages paid by the Census Bureau for temporary employment related to U.S. Census activities are excluded.”

### **SUMMARY**

The Department’s temporary and proposed rule change appears to be authorized under sections 56-202(b), 56-203(b) and (g), Idaho Code. This rule change is identical to the one contained in Docket No. 16-0301-0802, dealing with Eligibility for Health Care Assistance for Families and Children (Temporary and Proposed), which was previously reviewed.

cc: Peggy Cook, Department of Health and Welfare

## **IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**

### **16.03.05 - ELGIBILITY FOR AID TO THE AGED, BLIND, AND DISABLED (AABD)**

**DOCKET NO. 16-0305-0802**

#### **NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of this temporary rule is January 1, 2009.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 56-202, 56-203, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2008.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The U.S. Census is conducted every ten years and the census for 2010 will require the Census Bureau to recruit and hire employees to conduct this field work beginning in 2009. The State of Idaho has approval from the Centers for Medicare and Medicaid Services to exempt temporary income earned by individuals temporarily working for the Census Bureau on the 2010 Census. This rule change will allow low income individuals who are eligible for assistance through AABD to earn additional income and gain job experience on a temporary basis without jeopardizing their Medicaid benefits.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate because it confers a benefit to low income individuals hired for temporary census work.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

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

There is no anticipated fiscal impact to state general funds for exempting this temporary income for current Medicaid eligible individuals.

**NEGOTIATED RULEMAKING:** Pursuant to 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this change confers a benefit.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Peggy Cook at (208) 334-5969.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2008.

DATED this 14th day of August, 2008.

Tamara Prisock  
DHW - Administrative Procedures Section  
450 W. State - 10th Floor  
P.O. Box 83720  
Boise, ID 83720-0036  
(208) 334-5564 phone (208) 334-6558 fax  
dhwrules@dhw.idaho.gov

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0305-0802**

**359. TEMPORARY CENSUS INCOME.**

All wages paid by the Census Bureau for temporary employment related to U.S. Census activities are excluded.

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