

Dear Senators LODGE, Broadsword & Bock, and  
Representatives McGEACHIN, Bilbao & Rusche:

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

IDAPA 16.03.01 - Eligibility for Health Care Assistance for Families and Children  
(Docket No. 16-0301-1003);

IDAPA 16.03.03 - Rules Governing Child Support Services  
(Docket No. 16-0303-1001);

IDAPA 16.03.04 - Rules Governing the Food Stamp Program in Idaho  
(Docket No. 16-0304-1004);

IDAPA 16.03.05 - Rules Governing Eligibility for Aid to the Aged, Blind and  
Disabled (AABD) (Docket No. 16-0305-1003);

IDAPA 16.03.08 - Rules Governing the Temporary Assistance for Families in Idaho  
(TAFI) Program (Docket No. 16-0308-1002);

IDAPA 16.06.12 - Rules Governing the Idaho Child Care Program (ICCP)  
(Docket No. 16-0612-1003) .

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by  
the co-chairmen 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 12-21-10. 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 1-20-11.

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 334-4845, or send a written request to the  
address or FAX number indicated on the memorandum attached.



# Legislative Services Office Idaho State Legislature

*Serving Idaho's Citizen Legislature*

**Jeff Youtz**  
Director

## MEMORANDUM

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

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

**DATE:** December 1, 2010

**SUBJECT:** Department of Health and Welfare - IDAPA 16.03.01 - Eligibility for Health Care Assistance for Families and Children (Docket No. 16-0301-1003); IDAPA 16.03.03 - Rules Governing Child Support Services (Docket No. 16-0303-1001); IDAPA 16.03.04 - Rules Governing the Food Stamp Program in Idaho (Docket No. 16-0304-1004); IDAPA 16.03.05 - Rules Governing Eligibility for Aid to the Aged, Blind and Disabled (AABD) (Docket No. 16-0305-1003); IDAPA 16.03.08 - Rules Governing the Temporary Assistance for Families in Idaho (TAFI) Program (Docket No. 16-0308-1002); and IDAPA 16.06.12 - Rules Governing the Idaho Child Care Program (ICCP) (Docket No. 16-0612-1003) - all Temporary and Proposed

The Department of Health and Welfare submits six proposed and temporary rule dockets (Nos. 16-0301-1003, 16-0303-1001, 16-0304-1004, 16-0305-1003, 16-0308-1002 and 16-0612-1003), amending IDAPA chapters 16.03.01, dealing with Eligibility for Health Care Assistance for Families and Children, 16.03.03, dealing with Child Support Services, 16.03.04, dealing with the Food Stamp Program in Idaho, 16.03.05, dealing with Eligibility for Aid to the Aged, Blind and Disabled [wrongly labeled as Rules Governing the Food Stamp Program in Idaho], 16.03.08, dealing with the Temporary Assistance for Families in Idaho Program; and 16.06.12, dealing with the Idaho Child Care Program. Each of these dockets permit telephonic and electronic signatures. The Department states that these changes will streamline practices, improve access to services, increase productivity and better utilize technology and other solutions to connect customers with services.

The justification for the temporary rulemaking in each docket is to improve access in rural areas where offices are not always close by and help to support communities where ten field offices have been closed, reducing the number of locations where customers can access services.

Mike Nugent, Manager  
Research & Legislation

Cathy Holland-Smith, Manager  
Budget & Policy Analysis

Don H. Berg, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology



While this is not an official ground for issuing a temporary rule, it approximates the “conferring a benefit” ground permitted by section 67-5226(1)(c), Idaho Code. The temporary rules go into effect on January 1, 2011.

According to the Department, the proposed rules are authorized pursuant to one or more of the following Idaho Code sections 56-202, 56-203, and/or 56-1004. Section 56-202(b), Idaho Code, provides the Department with general and broad rulemaking authority under Idaho’s public assistance law; section 56-203(2) [formerly subsection (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(7) [formerly subsection (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; and section 56-1004 grants the Department’s Director with additional powers and duties, including the authority to prescribe such rules as may be necessary for the administration of the Department.

According to the Department, no fee or charge is imposed by the proposed rules and the anticipated impact to the General Fund is minimal. According to the Department, negotiated rulemaking was not conducted because the rulemaking confers a benefit. The Department states that a public hearing will be scheduled if requested in writing by 25 persons, a political subdivision or an agency, not later than December 15, 2010. All written comments must be delivered to the Department on or before December 22, 2010.

### **ANALYSIS**

Each proposed rule inserts a new section, labeled “Signatures,” into the respective rule chapter containing the following identical language:

An individual who is applying for benefits, receiving benefits, or providing additional information as required by this chapter, may do so with the depiction of the individual’s name, either handwritten, electronic, or recorded telephonically. Such signature serves as intention to execute or adopt the sound, symbol, or process for the purpose of signing the related record.

### **SUMMARY**

The Department’s proposed rule changes appear to be authorized under sections 56-202(2), Idaho Code. Docket No. 16-0303-1001 should be revised to list this section as an authority for its rulemaking.

cc: Department of Health and Welfare: Tamara Prisock, Kathy McGill, Kandance Yearsley, Rosie Andueza, and Alberto Gonzales

## IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

### 16.03.01 - ELIGIBILITY FOR HEALTH CARE ASSISTANCE FOR FAMILIES AND CHILDREN

DOCKET NO. 16-0301-1003

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

**EFFECTIVE DATE:** The effective date of this temporary rule is January 1, 2011.

**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 Section(s) 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 December 15, 2010.

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:

In recent years, the Department of Health and Welfare's Self-Reliance Program has implemented many technological and process improvements including a new case management system, consolidated service centers, and electronic case records. These improvements have allowed the Department to meet the ever increasing need for services while maintaining quality. In order to further maximize on these improvements, electronic and telephonic signatures will further streamline practices, improve access to services, increase productivity, and better utilize technology and other solutions to connect customers with services.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The Department closed ten field offices in 2010, reducing the number of locations that customers can access our services. Allowing for electronic and telephonic signatures improves access for our rural state where offices are not always close by and helps to support communities where offices were closed.

**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.

The fiscal impact for this rule change will be minimal to state general funds.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted since these changes confer a benefit.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule. N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Kathy McGill at (208) 334-4934.

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 December 22, 2010.

DATED this 5th day of November, 2010.

Tamara Prisock  
DHW - Administrative Procedures Section  
450 W. State Street - 10th Floor  
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Boise, ID 83720-0036  
(208) 334-5564 phone; (208) 334-6558 fax  
[dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov) e-mail

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**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT  
FOR DOCKET NO. 16-0301-1003**

**111. SIGNATURES.**

An individual who is applying for benefits, receiving benefits, or providing additional information as required by this chapter, may do so with the depiction of the individual's name either handwritten, electronic, or recorded telephonically. Such signature serves as intention to execute or adopt the sound, symbol, or process for the purpose of signing the related record. (1-1-11)T

~~117~~2. -- 119. (RESERVED).

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

## **16.03.03 - RULES GOVERNING CHILD SUPPORT SERVICES**

**DOCKET NO. 16-0303-1001**

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

**EFFECTIVE DATE:** The effective date of this temporary rule is January 1, 2011.

**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 Section(s) 56-1004, 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 December 15, 2010.

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:

In recent years, the Department of Health and Welfare's Self-Reliance Program has implemented many technological and process improvements including a new case management system, consolidated service centers, and electronic case records. These improvements have allowed the Department to meet the ever increasing need for services while maintaining quality. In order to further maximize on these improvements, electronic and telephonic signatures will further streamline practices, improve access to services, increase productivity, and better utilize technology and other solutions to connect customers with services.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The Department closed ten field offices in 2010, reducing the number of locations that customers can access our services. Allowing for electronic and telephonic signatures improves access for our rural state where offices are not always close by and helps to support communities where offices were closed.

**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.

The fiscal impact for this rule change will be minimal to state general funds.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted since these changes confer a benefit.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule. N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Kandace Yearsley at (208) 334-0620.

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 December 22, 2010.

DATED this 5th day of November, 2010.

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**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT  
FOR DOCKET NO. 16-0303-1001**

206. -- ~~299~~. (RESERVED).

**299. SIGNATURES.**

An individual who is applying for benefits, receiving benefits, or providing additional information as required by this chapter, may do so with the depiction of the individual's name either handwritten, electronic, or recorded telephonically. Such signature serves as intention to execute or adopt the sound, symbol, or process for the purpose of signing the related record. (1-1-11)T

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

### **16.03.04 - RULES GOVERNING THE FOOD STAMP PROGRAM IN IDAHO**

**DOCKET NO. 16-0304-1004**

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

**EFFECTIVE DATE:** The effective date of this temporary rule is January 1, 2011.

**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 Section(s) 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 December 15, 2010.

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:

In recent years, the Department of Health and Welfare's Self-Reliance Program has implemented many technological and process improvements including a new case management system, consolidated service centers, and electronic case records. These improvements have allowed the Department to meet the ever increasing need for services while maintaining quality. In order to further maximize on these improvements, electronic and telephonic signatures will further streamline practices, improve access to services, increase productivity, and better utilize technology and other solutions to connect customers with services.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The Department closed ten field offices in 2010, reducing the number of locations that customers can access our services. Allowing for electronic and telephonic signatures improves access for our rural state where offices are not always close by and helps to support communities where offices were closed.

**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.

The fiscal impact for this rule change will be minimal to state general funds.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted since these changes confer a benefit.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule. N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Rosie Andueza at (208) 334-5553.

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 December 22, 2010.

DATED this 5th day of November, 2010.



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**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT  
FOR DOCKET NO. 16-0304-1004**

**015. -- ~~098.~~ (RESERVED).**

**099. SIGNATURES.**

An individual who is applying for benefits, receiving benefits, or providing additional information as required by this chapter, may do so with the depiction of the individual's name either handwritten, electronic, or recorded telephonically. Such signature serves as intention to execute or adopt the sound, symbol, or process for the purpose of signing the related record. (1-1-11)T

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

### **16.03.05 - RULES GOVERNING THE FOOD STAMP PROGRAM IN IDAHO**

#### **DOCKET NO. 16-0305-1003**

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

**EFFECTIVE DATES:** The effective date of this temporary rule is January 1, 2011.

**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 Section(s) 56-202, 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 December 15, 2010.

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:

In recent years, the Department of Health and Welfare's Self-Reliance Program has implemented many technological and process improvements including a new case management system, consolidated service centers, and electronic case records. These improvements have allowed the Department to meet the ever increasing need for services while maintaining quality. In order to further maximize on these improvements, electronic and telephonic signatures will further streamline practices, improve access to services, increase productivity, and better utilize technology and other solutions to connect customers with services.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The Department closed ten field offices in 2010, reducing the number of locations that customers can access our services. Allowing for electronic and telephonic signatures improves access for our rural state where offices are not always close by and helps to support communities where offices were closed.

**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.

The fiscal impact for this rule change will be minimal to state general funds.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted since these changes confer a benefit.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule. N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary and proposed rule, contact Alberto Gonzales 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 December 22, 2010.

DATED this 5th day of November, 2010.

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**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT  
FOR DOCKET NO. 16-0305-1003**

**009. -- ~~049~~. (RESERVED).**

**049. SIGNATURES.**

An individual who is applying for benefits, receiving benefits, or providing additional information as required by this chapter, may do so with the depiction of the individual's name either handwritten, electronic, or recorded telephonically. Such signature serves as intention to execute or adopt the sound, symbol, or process for the purpose of signing the related record. (1-1-11)T

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

**16.03.08 - RULES GOVERNING THE TEMPORARY ASSISTANCE  
FOR FAMILIES IN IDAHO (TAFI) PROGRAM**

**DOCKET NO. 16-0308-1002**

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

**EFFECTIVE DATES:** The effective date of this temporary rule is January 1, 2011.

**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 Section(s) 56-202, 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 December 15, 2010.

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:

In recent years, the Department of Health and Welfare's Self-Reliance Program has implemented many technological and process improvements including a new case management system, consolidated service centers, and electronic case records. These improvements have allowed the Department to meet the ever increasing need for services while maintaining quality. In order to further maximize on these improvements, electronic and telephonic signatures will further streamline practices, improve access to services, increase productivity, and better utilize technology and other solutions to connect customers with services.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The Department closed ten field offices in 2010, reducing the number of locations that customers can access our services. Allowing for electronic and telephonic signatures improves access for our rural state where offices are not always close by and helps to support communities where offices were closed.

**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.

The fiscal impact for this rule change will be minimal to state general funds.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted since these changes confer a benefit.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule. N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary and proposed rule, contact Rosie Andueza at (208) 334-5553.

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 December 22, 2010.

DATED this 5th day of November, 2010.

Tamara Prisock  
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**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT  
FOR DOCKET NO. 16-0308-1002**

**103. -- ~~1065.~~ (RESERVED).**

**106. SIGNATURES.**

An individual who is applying for benefits, receiving benefits, or providing additional information as required by this chapter, may do so with the depiction of the individual's name either handwritten, electronic, or recorded telephonically. Such signature serves as intention to execute or adopt the sound, symbol, or process for the purpose of signing the related record. (1-1-11)T



**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.06.12 - RULES GOVERNING THE IDAHO CHILD CARE PROGRAM (ICCP)**  
**DOCKET NO. 16-0612-1003**  
**NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULEMAKING**

**EFFECTIVE DATE:** The effective date of this temporary rule is January 1, 2011.

**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 Section(s) 56-202, 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 December 15, 2010.

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:

In recent years, the Department of Health and Welfare's Self-Reliance Program has implemented many technological and process improvements including a new case management system, consolidated service centers, and electronic case records. These improvements have allowed the Department to meet the ever increasing need for services while maintaining quality. In order to further maximize on these improvements, electronic and telephonic signatures will further streamline practices, improve access to services, increase productivity, and better utilize technology and other solutions to connect customers with services.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The Department closed ten field offices in 2010, reducing the number of locations that customers can access our services. Allowing for electronic and telephonic signatures improves access for our rural state where offices are not always close by and helps to support communities where offices were closed.

**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.

The fiscal impact for this rule change will be minimal to state general funds.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted since these changes confer a benefit.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule. N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Rosie Andueza at (208) 334-5553.

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 December 22, 2010.

DATED this 5th day of November, 2010.

Tamara Prisock  
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**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT  
FOR DOCKET NO. 16-0612-1003**

**012. -- ~~099~~50. (RESERVED).**

**051. SIGNATURES.**

An individual who is applying for benefits, receiving benefits, or providing additional information as required by this chapter, may do so with the depiction of the individual's name either handwritten, electronic, or recorded telephonically. Such signature serves as intention to execute or adopt the sound, symbol, or process for the purpose of signing the related record. (1-1-11)T

**052. -- 099. (RESERVED).**