

Dear Senators LODGE, Broadsword, Bock, and  
Representatives BLOCK, Hartgen, Ringo:

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

IDAPA 16.03.04 - Rules Governing the Food Stamp Program in Idaho (Docket No. 16-0304-1201);

IDAPA 16.03.04 - Rules Governing the Food Stamp Program in Idaho (Docket No. 16-0304-1202);

IDAPA 16.03.05 - Rules Governing Eligibility for Aid to the Aged, Blind and Disabled (AABD)  
(Docket No. 16-0305-1201);

IDAPA 16.03.05 - Rules Governing Eligibility for Aid to the Aged, Blind and Disabled (AABD)  
(Docket No. 16-0305-1202);

IDAPA 16.04.02 - Idaho Telecommunication Service Assistance Program Rules (Docket No.  
16-0402-1201).

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 10/17/2012. 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 11/15/2012.

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 on the  
memorandum attached below.



Jeff Youtz  
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 Commerce & Human Resources Committee  
**FROM:** Legislative Research Analyst - Ryan Bush  
**DATE:** September 27, 2012  
**SUBJECT:** Department of Health and Welfare

IDAPA 16.03.04 - Rules Governing the Food Stamp Program in Idaho (Docket No. 16-0304-1201)

IDAPA 16.03.04 - Rules Governing the Food Stamp Program in Idaho (Docket No. 16-0304-1202)

IDAPA 16.03.05 - Rules Governing Eligibility for Aid to the Aged, Blind and Disabled (AABD) (Docket No. 16-0305-1201)

IDAPA 16.03.05 - Rules Governing Eligibility for Aid to the Aged, Blind and Disabled (AABD) (Docket No. 16-0305-1202)

IDAPA 16.04.02 - Idaho Telecommunication Service Assistance Program Rules (Docket No. 16-0402-1201)

### **(1) 16.03.04 - Rules Governing the Food Stamp Program in Idaho (Docket No. 16-0304-1201)**

The Department of Health and Welfare submits notice of temporary and proposed rulemaking at IDAPA 16.03.04 - Rules Governing the Food Stamp Program in Idaho. The Department states that the proposed rulemaking provides a more equitable way of determining food stamp benefits for a child when both parents apply. This rulemaking gives the benefits to the parent with the primary physical custody of the child.

The Department states that negotiated rulemaking was not conducted because it was not feasible since this is a temporary rule. A public hearing is scheduled for October 23 at the Department's Region IV Office at 1720 N. Westgate Dr. in Boise. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Department in Sections 56-202(b) and 56-203, Idaho Code.

### **(2) 16.03.04 - Rules Governing the Food Stamp Program in Idaho (Docket No. 16-0304-1202)**

The Department of Health and Welfare submits notice of temporary and proposed rulemaking at IDAPA 16.03.04 - Rules Governing the Food Stamp Program in Idaho. The Department states that the proposed rulemaking aligns the Food Stamp Program with state law and federal regulations and supports operational changes to the administration of the Program. Specifically, this rulemaking removes reference to common law marriage, changes the term "Guide Dog" to "Service Animal", updates the screening process for expedited service, and eliminates the requirement that an applicant apply at the field office where the applicant resides.

Mike Nugent Manager  
Research & Legislation

Cathy Holland-Smith, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

The Department states that negotiated rulemaking was not conducted because it was not feasible since this is a temporary rule. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Department in Sections 56-202(b) and 56-203, Idaho Code.

**(3) 16.03.05 - Rules Governing Eligibility for Aid to the Aged, Blind and Disabled (AABD) (Docket No. 16-0305-1201)**

The Department of Health and Welfare submits notice of proposed rulemaking at IDAPA 16.03.05 - Rules Governing Eligibility for Aid to the Aged, Blind and Disabled (AABD). The Department states that the proposed rulemaking is in response to a petition for rulemaking from the Trust and Estate Professionals of Idaho. This rulemaking adds an asset transfer penalty for Medicaid participants under the home and community based services (HCBS), thereby providing the same penalty for HCBS participants and those who reside in nursing facilities. The Department states that this rulemaking will remove disparity between the two types of participants.

The Department states that negotiated rulemaking was conducted and notice was published in the March 7, 2012, Idaho Administrative Bulletin, Vol. 12-3, page 29. A public hearing is scheduled for October 12 at the Department's Region IV Office at 1720 N. Westgate Dr. in Boise. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Department in Sections 56-202(b) and 56-203, Idaho Code.

**(4) 16.03.05 - Rules Governing Eligibility for Aid to the Aged, Blind and Disabled (AABD) (Docket No. 16-0305-1202)**

The Department of Health and Welfare submits notice of proposed rulemaking at IDAPA 16.03.05 - Rules Governing Eligibility for Aid to the Aged, Blind and Disabled (AABD). The Department states that the proposed rulemaking provides for a more equitable division of increases in cost of living allowances (COLA) between a participant's personal needs allowance (PNA) and rent, utilities and food (RUF). This rulemaking increases the PNA and RUF by the entire percentage of the COLA increase.

The Department states that negotiated rulemaking was not conducted because stakeholders did not arrive at a consensus at a previous meeting. The Department felt that further negotiations would not result in an agreement and would not be feasible. A public hearing is scheduled for October 22 at the Department's Region IV Office at 1720 N. Westgate Dr. in Boise. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Department in Sections 56-202(b) and 56-203, Idaho Code.

**(5) 16.04.02 - Idaho Telecommunication Service Assistance Program Rules (Docket No. 16-0402-1201)**

The Department of Health and Welfare submits notice of temporary and proposed rulemaking at IDAPA 16.04.02 - Idaho Telecommunication Service Assistance Program Rules. The Department states that the proposed rulemaking updates the assistance eligibility level for services from 133% of Federal Poverty Guidelines (FPG) to 135% of FPG as required by the Federal Communications Commission (FCC). This rulemaking also adds to and revises terms; updates and removes obsolete language; adds required sections such as office hours, incorporation by reference and confidentiality of records; and adds an assistance discount rate.

The Department states that negotiated rulemaking was not conducted because it was not feasible since this is a temporary rule and because this rulemaking is required to align with federal regulations. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Department in Sections 56-202(b), 56-203 and 56-901, Idaho Code, and 47 CFR 54.405.

cc: Department of Health and Welfare

Tamara Prisock

Rosie Andueza

Shannon Epperley

Genie Sue Weppner

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.03.04 - RULES GOVERNING THE FOOD STAMP PROGRAM IN IDAHO**  
**DOCKET NO. 16-0304-1201**  
**NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is October 1, 2012.

**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 56-203, Idaho Code, and 7 CFR Part 273.1(c).

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be held as follows:

**Tuesday - October 23, 2012 - 10 a.m. MDT**

**DHW Region IV Office  
1720 N. Westgate Drive  
Suite A, Room 131  
Boise, ID 83704**

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:

Currently, food stamp benefits for a child are given to the first parent who applies for benefits for the child regardless of the amount of time the child lives in the home. This rule change is necessary to provide a more equitable way of determining food stamp benefits for a child when both parents apply for food stamp benefits for the child, by giving the parent with the primary physical custody the food stamp benefit.

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

These rules confer a benefit to provide that a child receives his food stamp benefit in the home with the parent who has primary custody.

**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 fiscal impact to state general funds for this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule is a temporary rule and was not feasible for the Department to negotiate the change.

**INCORPORATION BY REFERENCE:** No materials are being incorporated by reference into these rules.

**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 October 24, 2012.

DATED this 29th day of August, 2012.

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

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**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT  
OF DOCKET NO. 16-0304-1201**

**214. JOINT CHILD CUSTODY.**

*In joint custody situations, children may move from one (1) parent's home to the other parent's home on a regular schedule during the month. If only one (1) parent applies, the child may be included in that parent's household. If both parents apply, they must be told no child can participate in two (2) Food Stamp households in the same month. The parents should decide which household will include the child. Where there are two (2) or more children, the children may be a member of either but not both households. If the parents cannot agree on the child's household for Food Stamps, include the child in the household of the first parent to apply. Assign the shortest allowable certification period. For a child who is under the age of eighteen (18), the parent who has primary physical custody is eligible to receive Food Stamp benefits for that child. If both parents request food stamp benefits for the child, primary custody is determined by where the child is expected to spend fifty-one percent (51%) or more of the nights during a certification period. When only one parent applies for food stamp benefits, the child may be included in that parent's household even though they do not have primary physical custody of the child.* ~~(6-1-94)~~(10-1-12)T

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.03.04 - RULES GOVERNING THE FOOD STAMP PROGRAM IN IDAHO**  
**DOCKET NO. 16-0304-1202**  
**NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is September 1, 2012.

**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 and 56-203, Idaho Code, and 7 CFR, Part 273.

**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 17, 2012.

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:

These rule changes align Idaho's Food Stamp Program with state law and federal regulations. The changes also support operational changes being made in the administration of the Food Stamp Program. The term "guide dog" has been changed to "service animal." Clarification for a spouse has been updated to remove reference to "common law marriage" that is no longer recognized in Idaho. To support operational changes, clarification has been made to update the application process requirements for screening of an applicant, and removing the requirement that an applicant apply at the office serving the area where the applicant resides.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate to bring the Idaho Food Stamp program rules into compliance by aligning these rules with both federal regulations and state law.

**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: None.

**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. N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule is a temporary rule and was not feasible for the Department to negotiate the change.

**INCORPORATION BY REFERENCE:** No materials are being incorporated by reference into these rules.

**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 October 24, 2012.

DATED this 29th day of August, 2012.

Tamara Prisock  
DHW - Administrative Procedures Section  
450 W. State Street - 10th Floor  
P.O. Box 83720

Boise, ID 83720-0036  
phone: (208) 334-5564  
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e-mail: [dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov)

**THE FOLLOWING IS THE TEMPORARY RULE & PROPOSED TEXT  
OF DOCKET NO. 16-0304-1202**

**012. DEFINITIONS M THROUGH Z.**

For the Food Stamp Program, the following definitions apply: (4-11-06)

**01. Migrant Farmworker Household.** A migrant farmworker household has a member who travels from community to community to do agricultural work. (4-6-05)

**02. Minimum Utility Allowance (MUA).** Utility deduction given to a food stamp household that has a cost for one (1) utility that is not heating, cooling, or telephone. (3-29-10)

**03. Nonexempt.** A household member who must register for and participate in the JSAP program. A household member who must register for work. (6-1-94)

**04. Nonprofit Meal Delivery Service.** A political subdivision or a private nonprofit organization, which prepares and delivers meals, authorized to accept Food Stamps. (6-1-94)

**05. Overissuance.** The amount Food Stamps issued exceeds the Food Stamps a household was eligible to receive. (6-1-94)

**06. Parental Control.** Parental control means that an adult household member has a minor in the household who is dependent financially or otherwise on the adult. Minors, emancipated through marriage, are not under parental control. Minors living with children of their own are not under parental control. (4-6-05)

**07. Participant.** A person who receives Food Stamp benefits. (4-6-05)

**08. Program.** The Food Stamp Program created under the Food Stamp Act and administered in Idaho by the Department. (6-1-94)

**09. Public Assistance.** Public assistance means Temporary Assistance for Families in Idaho (TAFI), and Aid to the Aged, Blind, and Disabled (AABD). (4-6-05)

**10. Recertification.** A recertification is a process for determining ongoing eligibility for Food Stamps. (4-11-06)

**11. Retail Food Store.** A retail food store, for Food Stamp purposes means: (6-1-94)

**a.** An establishment, or recognized department of an establishment, or a house-to-house food trade route, whose food sales volume is more than fifty percent (50%) staple food items for home preparation and consumption. (6-1-94)

**b.** Public or private communal dining facilities and meal delivery services. (6-1-94)

**c.** Private nonprofit drug addict or alcohol treatment and rehabilitation programs. (6-1-94)

**d.** Public or private nonprofit group living arrangements. (6-1-94)

**e.** Public or private nonprofit shelters for battered women and children. (6-1-94)

**f.** Private nonprofit cooperative food purchasing ventures, including those whose members pay for food prior to the receipt of the food. (6-1-94)

**g.** A farmers' market. (6-1-94)



- h.** An approved public or private nonprofit establishment which feeds homeless persons. The establishment must be approved by FCS. (7-1-98)
- 12. Sanction.** A penalty period when an individual is ineligible for Food Stamps. (3-30-07)
- 13. Seasonal Farmworker Household.** A seasonal farmworker household has a member who does agricultural work of a seasonal or other temporary nature. (4-6-05)
- 14. Spouse.** Persons who are ~~living together,~~ **legally** married ~~or free to marry, and are holding themselves out as man and wife~~ **under Idaho law.** (4-6-05)(9-1-12)T
- 15. Standard Utility Allowance (SUA).** Utility deduction given to a food stamp household that has a cost for heating or cooling. (4-11-06)
- 16. State.** Any of the fifty (50) States, the District of Columbia, Puerto Rico, Guam, the Northern Mariana Islands and the Virgin Islands of the United States. (6-1-94)
- 17. State Agency.** The Idaho Department of Health and Welfare. (6-1-94)
- 18. Student.** An individual between the ages of eighteen (18) and fifty (50), physically and intellectually fit, and enrolled at least half-time in an institution of higher education. (6-1-94)
- 19. Supplemental Security Income (SSI).** Monthly cash payments under Title XVI of the Social Security Act. Payments include state or federally administered supplements. (4-11-06)
- 20. Systematic Alien Verification for Entitlements (SAVE).** The federal automated system that provides immigration status needed to determine an applicant's eligibility for many public benefits, including Food Stamps. (4-11-06)
- 21. Telephone Utility Allowance (TUA).** Utility deduction given to a Food Stamp household that has a cost for telephone services and no other utilities. (3-29-10)
- 22. Timely Notice.** Notice that is mailed via the U. S. Postal Service, or electronically, at least ten (10) days before the effective date of an action taken by the Department. (3-29-12)
- 23. Twelve Month Contact.** For households that have a twenty-four (24) month certification period, Department staff contact the household during the twelfth month of the certification period for the purpose of determining continued eligibility. (4-6-05)
- 24. Tribal General Assistance.** Cash, excluding in-kind assistance, financed by federal, state or local government and provided to cover living expenses or other basic needs. This cash is intended to promote the health and well-being of recipients. (4-11-06)
- 25. Verification.** The proof obtained to establish the accuracy of information and the household's eligibility. (6-1-94)
- 26. Verified Upon Receipt.** Food stamp benefits are adjusted on open food stamp cases when information is received from "verified upon receipt" sources. Information "verified upon receipt" is received from a manual query or automated system match with the Social Security Administration or Homeland Security query for citizenship status. (3-30-07)
- 27. Written Notice.** Correspondence that is generated by any method including handwritten, typed, or electronic, delivered to the customer by hand, U.S. Mail, professional delivery service, or by any electronic means. The terms "notice" and "written notice" are used interchangeably. (3-29-12)

(BREAK IN CONTINUITY OF SECTIONS)

~~108. WRONG FIELD OFFICE CONTACTED.~~

~~If a household contacts the wrong Field Office, the Department will give the household the address and phone number of the correct Field Office. The Department will offer to forward the AFA to the correct Field Office, and tell the household the AFA is not filed and processing standards do not start until the AFA gets to the correct field office. The AFA must contain the applicant's name, address, signature and date of application. The AFA must be date stamped and mailed to the correct Field Office the same day, or delivered to the correct Field Office the next day.~~  
(3-15-02)

~~109. AFA MAILED TO WRONG FIELD OFFICE.~~

~~If the AFA was mailed to the wrong Field Office, the Department will mail the AFA to the correct Field Office. The AFA must be mailed to the correct Field Office the same day it is received.~~  
(6-1-94)

**108.-- 109. (RESERVED)**

**110. APPLICANTS WHO MOVE OUT OF IDAHO.**

~~When a Food Stamp applicant moves within Idaho, the sending and receiving Field Offices must act to transfer the case and change the address.~~  
(4-11-06)

~~01. Duties of Sending Field Office. If an applicant household is moving and submits its application to a Field Office other than the one serving the area where it is moving, the sending office must transfer the case. Duties of the sending Field Office are:~~  
(6-1-94)

~~a. Give household new field office information. The sending Field Office must give the household the address and telephone number of the correct Field Office.~~  
(6-1-94)

~~b. Forward application. The sending Field Office must offer to forward the application and case record to the proper Field Office. The application and case record must be sent the same day the contact is made with the wrong Field Office.~~  
(6-1-94)

~~c. Inform applicant. The sending Field Office must tell the household its application has been filed and will be forwarded to the proper Field Office.~~  
(6-1-94)

~~d. Mail application same day as received. If the application was mailed to the wrong Field Office, it must be mailed to the proper Field Office the same day it is received.~~  
(6-1-94)

~~02. Duties of Receiving Field Office. The receiving Field Office must schedule an interview with the applicant household. The interview may be face-to-face, by telephone or by home visit. The application must be approved or denied within the specified time limits.~~  
(6-1-94)

~~03. Duties When Applicant Moves Out of Idaho. If all members of a Food Stamp applicant household move outside of Idaho, determine eligibility for the month(s) in which they resided in Idaho, as long as duplicate participation in another state does not occur. Close the case effective the end of the month in which the household moves out of Idaho. A closure notice is not required.~~  
(4-11-06)(9-1-12)T

(BREAK IN CONTINUITY OF SECTIONS)

**155. EXPEDITED SERVICE ELIGIBILITY.**

Applicants forms must be screened to determine if the household is entitled to expedited service. The household must meet one (1) of the expedited service criteria below. The household must have provided proof postponed by the last expedited service or have been certified under the normal standards since the last expedited service.  
(6-1-94)(9-1-12)T

**01. Low Income and Resources.** To receive expedited services the household's monthly countable gross income must be less than one hundred fifty dollars (\$150) and the household's liquid resources must not exceed one hundred dollars (\$100). (6-1-94)

**02. Destitute.** To receive destitute expedited services the household must be a destitute migrant or seasonal farmworker household. The household's liquid resources must not exceed one hundred dollars (\$100). (7-1-97)

**03. Income Less Than Rent and Utilities.** The household's combined monthly gross income and liquid resources are less than their monthly rent, or mortgage, and utilities cost. (6-1-94)

**(BREAK IN CONTINUITY OF SECTIONS)**

**535. MEDICAL EXPENSES.**

Medical expenses over thirty-five dollars (\$35), for elderly or disabled household members, are deducted from the household income. Allowable medical expense deductions are listed in Subsection 535.01 through 535.14 of these rules. The household must provide proof of the incurred or anticipated cost before a deduction is allowed. (3-30-07)

**01. Medical and Dental Services.** Services must be performed by licensed practitioners, physicians, dentists, podiatrists, or other qualified health professionals. Other qualified health professionals include registered nurses, nurse practitioners, licensed physical therapists and licensed chiropractors. (6-1-94)

**02. Psychotherapy and Rehabilitation Services.** Services must be performed by licensed psychiatrists, licensed clinical psychologists, licensed practitioners, physicians or other qualified health professionals. (6-1-94)

**03. Hospital or Outpatient Treatment.** Hospital or outpatient treatment includes expenses for hospital, nursing care, State licensed nursing home care, and care to a person immediately before entering a hospital or nursing home. (4-6-05)

**04. Prescription Drugs.** Prescription drugs and prescribed over-the-counter medication including insulin. (6-1-94)

**05. Medical Supplies and Sickroom Equipment.** Medical supplies and sickroom equipment including rental or other equipment. (6-1-94)

**06. Health Insurance.** Health and hospitalization insurance premiums. These do not include health and accident policies payable in a lump sum for death or dismemberment. These do not include income maintenance policies to make mortgage or loan payments while a beneficiary is disabled. (6-1-94)

**07. Medicare Premiums.** Medicare premiums related to coverage under Title XVIII of the Social Security Act. (6-1-94)

**08. Cost-Sharing or Spend-Down Expenses.** Cost-sharing or spend-down expenses incurred by Medicaid recipients. (6-1-94)

**09. Artificial Devices.** Dentures, hearing aids, and prostheses. (6-1-94)

**10. Guide Dog Service Animal.** Expenses incurred buying and caring for any animal that has received special training and routinely used to help to provide service to a disabled person. Expenses include costs for dog service animal's food, training, and veterinary any services. ~~(4-6-05)~~ (9-1-12)T

**11. Eyeglasses.** Expenses for eye examinations and prescribed eyeglasses. (4-6-05)

**12. Transportation and Lodging.** Reasonable transportation and lodging expenses incurred to get medical services. (4-6-05)

**13. Attendant Care.** Attendant care costs necessary due to age, disability, or illness. If attendant care costs qualify for both the excess medical and dependent care expense deductions, the cost is treated as a medical expense. (4-6-05)

**14. Attendant Meals.** An amount equal to the maximum Food Stamp allotment for a one (1) person household per month is deducted if the household provides most of the attendant's meals. (3-29-10)

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.03.05 - RULES GOVERNING ELIGIBILITY FOR AID TO THE AGED,**  
**BLIND AND DISABLED (AABD)**

**DOCKET NO. 16-0305-1201**

**NOTICE OF RULEMAKING - PROPOSED RULE**

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

**PUBLIC HEARING SCHEDULE:** A Public hearing concerning this rulemaking will be held as follows:

**Friday - October 12, 2012 - 10:00 a.m. MDT**

**DHW Region IV Office**  
**1720 N. Westgate Drive**  
**Suite A, Room 131**  
**Boise, ID 83704**

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:

In response to a petition for rulemaking from the Trust and Estate Professionals of Idaho (TEPI), the Department is amending these rules to align the asset transfer penalties for Medicaid applicants under the home and community based services (HCBS) with those applicants who reside in a nursing facility. By allowing HCBS applicants to have an asset transfer penalty period implemented, will remove the disparity between the Nursing Home and Home Community Based Services (HCBS) participants.

**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: None.

**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 Department considers this rule change to be cost neutral. The intent of this change is for eligible participants to receive the most cost-effective level of service and to be able to stay in the community rather than be forced into a nursing facility.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the March 7, 2012, Idaho Administrative Bulletin, [Vol. 12-3, page 29](#).

**INCORPORATION BY REFERENCE:** No materials are being incorporated by reference into these rules.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Shannon Epperley 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 24, 2012.

DATED this 29th day of August, 2012.

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

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**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 16-0305-1201**

**835. APPLYING THE PENALTY PERIOD OF RESTRICTED COVERAGE.**

Restricted coverage continues until the participant or spouse recovers all the assets, receives fair market value at the time of the transfer for all of the assets, or the period of restricted coverage ends. The penalty continues whether or not the participant is in long-term care. The penalty period for asset transfers is applied as follows: (3-30-07)

**01. Penalty Period for Transfer Prior to February 8, 2006.** For assets transferred prior to February 8, 2006, there is no penalty if the amount transferred is less than the cost of one (1) month's care. The penalty period begins running the month the transfer took place. The month the transfer took place is counted as one (1) of the penalty months. A penalty period is computed for each transfer. A penalty period must expire before the next begins. Each partial month before the end of consecutive penalty periods is a penalty month. A partial month at the end of consecutive penalty periods is dropped. (3-30-07)

**02. Penalty Period for Transfers On or After February 8, 2006.** For assets transferred on or after February 8, 2006, the penalty period begins running the first day of the month after the month the transfer took place or was discovered to have taken place, or the date the individual would have been eligible for long-term care services or HCBS, if not for the transfer, whichever date is later in time. The value of all asset transfers made during the look-back period is accumulated for the purpose of calculating the penalty. If an additional transfer is discovered after the penalty has been served, a new penalty period begins the month following timely notice of closure of benefits. When a penalty period ends after the first day of the month, eligibility for long-term care services begins the day after the penalty period ends. (~~3-30-07~~)( )

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.03.05 - RULES GOVERNING ELIGIBILITY FOR AID TO THE AGED,**  
**BLIND AND DISABLED (AABD)**

**DOCKET NO. 16-0305-1202**

**NOTICE OF RULEMAKING - PROPOSED RULE**

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

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be held as follows:

<b>Tuesday, October 22, 2012</b> <b>1 p.m. MDT</b>
<b>DHW Region IV Office</b> <b>1720 N. Westgate Drive</b> <b>Suite A Room 131</b> <b>Boise, ID 83704</b>

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:

These rules are being amended to provide a more equitable division of future cost of living allowance (COLA) increases between the participant's personal needs allowance (PNA) and the rent, utilities, and food (RUF). This will be done by increasing both the PNA and the RUF by the percentage of the COLA increase.

**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. N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted nor feasible because at a stakeholder meeting held on May 3, 2012, discussions among those in attendance on the distribution of yearly cost-of-living adjustments did not arrive at consensus. The Department did not feel further negotiations would result in an agreement or consensus on the issue.

**INCORPORATION BY REFERENCE:** No materials are being incorporated by reference into these rules.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Shannon Epperley 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 24, 2012.

DATED this 29th day of August, 2012.

Tamara Prisock  
DHW - Administrative Procedures Section  
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**THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 16-0305-1202**

**512. ROOM AND BOARD HOME ALLOWANCE.**

Room and board is a living arrangement where the participant purchases lodging (room) and meals (board) from a person he lives with who is not his parent, child or sibling. (3-30-07)

**01. Budgeted Room and Board Allowance.** Beginning January 1, 2006, a participant living in a room and board home is budgeted six hundred ninety-three dollars (\$693). Beginning ~~January 1, 2007~~ July 1, 2013, the Room and Board allowance will be adjusted annually by ~~eighty percent (80%)~~ the percentage of the annual cost-of-living increase in the federal SSI benefit rate for a single person. This adjustment will be effective on January 1st of each year. The room and board allowance increase will be rounded ~~up~~ to the next dollar. (~~3-30-07~~)(    )

**02. Basic Allowance for Participant in Room and Board Home.** A participant living in a room and board home is budgeted seventy-seven dollars (\$77) monthly as a basic allowance. Beginning ~~January 1, 2007~~ July 1, 2013, this basic allowance will be adjusted annually by ~~twenty percent (20%)~~ the percentage of the annual cost-of-living increase in the federal SSI benefit rate for a single person. This adjustment will be effective on January 1st of each year. The basic allowance increase will be rounded ~~down~~ to the nearest dollar. (~~3-30-07~~)(    )

**513. RESIDENTIAL CARE OR ASSISTED LIVING FACILITY AND CERTIFIED FAMILY HOME ALLOWANCES.**

A participant living in a Residential Care or Assisted Living Facility (RALF), in accordance with IDAPA 16.03.22, "Residential Care or Assisted Living Facilities in Idaho," or a Certified Family Home (CFH), in accordance with IDAPA 16.03.19, "Rules Governing Certified Family Homes," is budgeted a basic allowance of seventy-seven dollars (\$77) monthly. Beginning ~~January 1, 2007~~ July 1, 2013, this basic allowance will be adjusted annually by ~~twenty percent (20%)~~ the percentage of the annual cost-of-living increase in the federal SSI benefit rate for a single person. This adjustment will be effective on January 1st of each year. The basic allowance increase will be rounded ~~down~~ to the nearest dollar. (~~3-30-07~~)(    )

**01. Budgeted Monthly Allowance Based On Level of Care.** A participant is budgeted a monthly allowance for care based on the level of care received as described in Section 515 of these rules. If the participant does not require State Plan Personal Care Services (PCS), his eligibility and allowances are based on the Room and Board rate in Section 512 of these rules. (4-7-11)

**02. Care Levels and Monthly Allowances.** Beginning January 1, 2006, care levels and monthly allowances are those listed in Table 513.02 of these rules. Beginning ~~January 1, 2007~~ July 1, 2013, the RALF and CFH allowances for participants living in a RALF or CFH on State Plan PCS will be adjusted annually by ~~eighty percent (80%)~~ the percentage of the annual cost-of-living increase in the federal SSI benefit rate for a single person. This adjustment will be effective on January 1st of each year. This increase will be rounded ~~up~~ to the next dollar.

**02. Care Levels and Monthly Allowances.** Beginning January 1, 2006, care levels and monthly allowances are those listed in Table 513.02 of these rules. Beginning ~~January 1, 2007~~ July 1, 2013, the RALF and CFH allowances for participants living in a RALF or CFH on State Plan PCS will be adjusted annually by ~~eighty percent (80%)~~ the percentage of the annual cost-of-living increase in the federal SSI benefit rate for a single person. This adjustment will be effective on January 1st of each year. This increase will be rounded ~~up~~ to the next dollar.



<b>TABLE 513.02 - STATE PLAN PCS CARE LEVELS AND ALLOWANCES AS OF 1-1-06</b>		
	<b>Level of Care</b>	<b>Monthly Allowance</b>
<b>a.</b>	Level I	Eight hundred and thirty-five dollars (\$835)
<b>b.</b>	Level II	Nine hundred and two dollars (\$902)
<b>c.</b>	Level III	Nine hundred and sixty-nine dollars (\$969)

~~(3-30-07)~~( )

**03. CFH Operated by Relative.** A participant living in a Certified Family Home (CFH) operated by his parent, child or sibling is not entitled to the CFH State Plan PCS allowances. He may receive the allowance for a person living with a relative as described in Section 501 of these rules. A relative for this purpose is the participant's parent, child, sibling, aunt, uncle, cousin, niece, nephew, grandparent or grandchild by birth, marriage, or adoption.

(3-30-07)

## IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

### 16.04.02 - IDAHO TELECOMMUNICATION SERVICE ASSISTANCE PROGRAM RULES

DOCKET NO. 16-0402-1201

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

**EFFECTIVE DATE:** The effective date of the temporary rule is June 1, 2012.

**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 56-901, Idaho Code, and 47 CFR 54.405.

**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 17, 2012.

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:

Under changes made by the Federal Communication Commission (FCC), the eligibility level for these services increased from 133% of the Federal Poverty Guidelines (FPG) to 135% of the FPG. These rules are being amended to align with federal regulations for the increase in the FPG, remove and update obsolete language, remove the "Link Up" benefit program that is no longer available in FCC regulations, and add required sections to this rule chapter.

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

The federal regulations governing this program, require that the eligibility level for the telecommunication assistance program be increased and effective on June 1, 2012.

**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: None.

**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: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule is a temporary rule and was not feasible to negotiate. The Department is required to align these rules with the federal regulations in 47 CFR 54.405.

**INCORPORATION BY REFERENCE:** No materials are being incorporated by reference into these rules.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Genie Sue Weppner at (208) 334-5656.

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 24, 2012.

DATED this 30th day of August, 2012.

Tamara Prisock  
DHW - Administrative Procedures Section  
450 W. State Street - 10th Floor  
P.O. Box 83720

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THE FOLLOWING IS THE TEMPORARY RULE & PROPOSED TEXT  
OF DOCKET NO. 16-0402-1201

**000. LEGAL AUTHORITY.**

~~Chapter 9, Title 56, Section 56-901, Idaho Code.~~ grants legal authority to the Department of Health and Welfare to adopt rules to provide eligible recipients with a reduction in the costs of telecommunication ~~installation and~~ service. ~~The program is authorized by the Federal Communication Commission (FCC) under 47 CFR Sections 54.101 through 54.422.~~ (7-1-99)(6-1-12)T

**001. TITLE, ~~AND~~ SCOPE, ~~AND~~ PURPOSE.**

**01. Title.** These rules ~~shall be known as Idaho Department of Health and Welfare Rules,~~ are cited as IDAPA 16.04.02, "Idaho Telecommunication Service Assistance Program Rules." (6-1-12)T

**02. Scope.** These rules contain official requirements governing the program's right to provide eligible recipients with a reduction of costs in telecommunication installation and service. (7-1-99)(6-1-12)T

**03. Purpose.** The purpose of these rules is to establish requirements of the Idaho Telecommunication Service Assistance Program (ITSAP) as authorized by Sections 62-610, 56-901, 56-902, 56-903, and 56-904, Idaho Code. ITSAP shall maximize federal "lifeline" contributions to Idaho's low income customers. (6-1-12)T

**002. ~~(RESERVED)~~ WRITTEN INTERPRETATIONS.**

~~In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency may have written statements that pertain to the interpretations of the rules of this chapter.~~ (6-1-12)T

**003. ADMINISTRATIVE APPEALS.**

Contested case appeals ~~shall be~~ are governed by Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings," Section 300, et seq. (7-1-99)(6-1-12)T

**004. ~~PURPOSE INCORPORATION BY REFERENCE.~~**

~~The purpose of these rules is to establish requirements of the Idaho Telecommunication Assistance Service Program (ITSAP) as authorized by Sections 62-610, 56-901, 56-902, 56-903, and 56-904 of the Idaho Code. ITSAP shall maximize federal "lifeline" and "link up" contributions to Idaho's low income customers. No documents are incorporated by reference in this chapter of rule.~~ (7-1-99)(6-1-12)T

**005. OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS -- TELEPHONE -- WEBSITE.**

**01. Office Hours.** Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the State of Idaho. (6-1-12)T

**02. Mailing Address.** The mailing address for the business office is Idaho Department of Health and Welfare, P.O. Box 83720, Boise, Idaho 83720-0036. (6-1-12)T

**03. Street Address.** The business office of the Idaho Department of Health and Welfare is located at 450 West State Street, Boise, Idaho 83702. (6-1-12)T

**04. Telephone.** The telephone number for the Idaho Department of Health and Welfare is (208) 334-5500. (6-1-12)T

**05. Internet Website.** The Department's internet website is <http://www.healthandwelfare.idaho.gov/>. (6-1-12)T

**006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS REQUESTS.**

**01. Confidential Records.** Disclosure of any information about an individual covered by these rules

and contained in the Department's records must comply with IDAPA 16.05.01, "Use and Disclosure of Department Records." (6-1-12)T

02. Public Records. The Department will comply with Sections 9-337 through 9-350, Idaho Code, when requests for the examination and copying of public records are made. Unless otherwise exempted, all public records in the custody of the Department are subject to disclosure. (6-1-12)T

007. -- 009. (RESERVED)

00510. DEFINITIONS.

01. Assistance Rate Discount. A monthly discount to eligible "lifeline" subscribers ~~of residential for basic local exchange service of three dollars and fifty cents (\$3.50) or an amount authorized by the Federal Communication Commission, whichever is greater. The discount will not exceed the rate charged for the grade of residential basic local exchange service subscribed to by each eligible individual. A service installation cost reduction of fifty percent (50%), up to a maximum of thirty dollars (\$30), will be granted to eligible "link-up" recipients under the Idaho Telecommunication Service Assistance Program (ITSAP) authorized in Sections 56-901 through 56-904, and 62-610, Idaho Code.~~ (7-1-99)(6-1-12)T

02. Community Action Agency. A private, non-profit organization serving the low-income population in specified counties of the state which meet the requirements to be designated as a community action agency according to the Community Services Block Grant Act, and has entered into a contract with the Idaho Department of Health and Welfare for the provision of ITSAP services. (6-1-12)T

023. Department. The Idaho Department of Health and Welfare. (3-5-91)

034. Eligibility Application. The current Participant Assessment Application form or the Application for Assistance (AFA) form. (7-1-99)

045. Eligible Basic Local Service. A single residence telecommunication service at the principal residence of the eligible subscriber/head of household. (7-1-99)

06. Federal Poverty Guidelines (FPG). The poverty guidelines issued annually by the Department of Health and Human Services (HHS). The federal poverty guidelines are available on the U.S. Health and Human Services at <http://aspe.hhs.gov/poverty>. (6-1-12)T

057. Head of Household. The adult member of a household responsible for payment of at least fifty percent (50%) of the cost of the ~~residential basic~~ local ~~exchange~~ service. (7-1-99)(6-1-12)T

068. Household. A household is either an individual living alone or a group of individuals ~~who are living together in common living quarters and facilities under such domestic arrangements and circumstances as to create a single establishment~~ at the same address as one economic unit. A household may include related and unrelated persons. An "economic unit" consists of all adult individuals contributing to and sharing in the income and expenses of a household. An adult is any person eighteen (18) years or older. If an adult has no or minimal income, and lives with someone who provides financial support to him, both people shall be considered part of the same household. Children under the age of eighteen (18) living with their parents or guardians are considered to be part of the same household as their parents or guardians. (3-5-91)(6-1-12)T

09. Income. Income is the gross amount of money actually received in the recipients household from all sources.

10. ITSAP. Idaho Telecommunication Service Assistance Program. (6-1-12)T

~~07~~11. Lifeline. ITSAP component that provides a monthly discount rate to eligible subscribers on their ~~residential~~ basic local ~~exchange~~ service costs. (7-1-99)(6-1-12)T

~~08.~~ Link-Up. ~~ITSAP component that provides a discount rate to eligible subscribers on installation of~~

~~residential basic local exchange service costs.~~

~~(7-1-99)~~

~~0912.~~ **Provider.** The eligible telecommunication carrier providing ~~residential~~ basic local ~~exchange~~ service to Idaho residents. ~~(7-1-99)(6-1-12)T~~

~~103.~~ **Recipient.** A person ~~who is~~ determined eligible for ITSAP. ~~(7-1-99)(6-1-12)T~~

~~14.~~ **Subscriber.** ~~That~~ ~~A~~ person applying for basic local ~~exchange~~ service or, in whose name the ~~residential~~ basic local ~~exchange~~ service is listed. The subscriber does not need to be the head of the household. ~~(7-1-99)(6-1-12)T~~

~~00611.~~ -- 099. (RESERVED)

#### 100. ASSISTANCE ELIGIBILITY REQUIREMENTS.

~~01.~~ **Head of Household.** ~~A~~ ~~R~~ecipients must be the head of the household. ~~(7-1-99)(6-1-12)T~~

~~02.~~ **Application.** A person must complete an application with the Department or Community Action Agency on behalf of his household, listing all members. The application may be completed by a person other than the head of the household. ~~(7-1-99)~~

~~03.~~ **Income Limit.** The household's gross income must be at or below one hundred and thirty ~~three~~ ~~five~~ percent (13~~3~~~~5~~%) of the Federal Poverty ~~Limit~~ ~~Guideline~~ (FPG). Households receiving any type of state or federal assistance with income limits at or below one hundred and thirty ~~three~~ ~~five~~ percent (13~~3~~~~5~~%) of the ~~Federal Poverty Limit~~ ~~FPG~~ are income eligible for ITSAP. ~~(7-1-99)(6-1-12)T~~

~~101.~~ -- 109. (RESERVED)

#### ~~110.~~ ASSISTANCE DISCOUNT RATE.

~~An eligible "lifeline" recipient is given a monthly discount for basic local service in the amount of three dollars and fifty cents (\$3.50) or an amount authorized by the Federal Communication Commission, whichever is greater. The discount cannot exceed the rate charged for the grade of basic local service subscribed to by eligible recipient.~~

~~(6-1-12)T~~

~~1011.~~ -- 399. (RESERVED)

### (BREAK IN CONTINUITY OF SECTIONS)

~~601.~~ -- ~~996~~~~9.~~ (RESERVED)

#### ~~996.~~ ADMINISTRATIVE PROVISIONS.

~~Contested case appeals shall be governed by Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, Sections 300, et seq., "Rules Governing Contested Case Proceedings and Declaratory Rulings."~~ ~~(12-31-91)~~

#### ~~997.~~ CONFIDENTIALITY OF RECORDS.

~~Any disclosure of information obtained by the Department is subject to the restrictions contained in Idaho Department of Health and Welfare Rules, IDAPA 16.05.01, "Use and Disclosure of Department Records."~~ ~~(3-5-91)~~

~~998.~~ (RESERVED)

#### ~~999.~~ SEVERABILITY.

~~Idaho Department of Health and Welfare Rules, IDAPA 16.04.02, are severable. If any rule or regulation, or part thereof, or the application of such rule or regulation to any person or circumstance, is declared invalid, that invalidity does not affect the validity of any remaining portion of this chapter.~~ ~~(3-5-91)~~