

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 16.04.10 - Rules Pertaining To The Community Services Block Grant Program (Docket  
No. 16-0410-1201);

IDAPA 16.06.01 - Rules Pertaining To Child and Family Services (Docket No. 16-0601-1201).

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 08/30/2012. 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 09/28/2012.

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:** August 13, 2012

**SUBJECT:** Department of Health and Welfare - Community Services Block Grant Program and Child and Family Services

IDAPA 16.04.10 - Rules Pertaining To The Community Services Block Grant Program (Docket No. 16-0410-1201)

IDAPA 16.06.01 - Rules Pertaining To Child and Family Services (Docket No. 16-0601-1201)

### **(1) 16.04.10 - Rules Pertaining To The Community Services Block Grant Program (Docket No. 16-0410-1201)**

The Department of Health and Welfare submits notice of temporary and proposed rulemaking at IDAPA 16.04.10 - Rules Pertaining To The Community Services Block Grant Program. The Department states that the proposed rulemaking is being done to align its rules with federal regulations. The American Recovery and Reinvestment Act of 2009 temporarily increased the eligibility level for the community services block grant program from 125% to 200% of federal poverty guidelines. This rulemaking returns the eligibility level to its original 125% of federal poverty guidelines pursuant to 42 U.S.C. Chapter 106.

The Department states that negotiated rulemaking was not conducted because this is a temporary rule and is being done to align the rules with federal regulations. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the authority granted to the Department in Sections 56-202(b) and 56-203, Idaho Code, and 42 U.S.C. Chapter 106.

### **(2) 16.06.01 - Rules Pertaining To Child and Family Services (Docket No. 16-0601-1201)**

The Department of Health and Welfare submits notice of temporary and proposed rulemaking at IDAPA 16.06.01 - Rules Pertaining To Child and Family Services. The Department states that the rules are being amended to reflect an increase in monthly reimbursement for room and board for a child in foster care. The Department's appropriations budget adopted under Senate Bill 1414 (2012) specifically increased funding by \$150,000 for foster family reimbursement. Specifically, this rulemaking increases the monthly payments to family alternate care providers from \$274 to \$301 for a child ages 0-5, from \$300 to \$339 for a child ages 6-12, and from \$431 to \$453 for a child ages 13-18.

Mike Nugent Manager  
Research & Legislation

Cathy Holland-Smith, Manager  
Budget & Policy Analysis

Don H. Berg, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

The Department states that negotiated rulemaking was not conducted because the rule is temporary and negotiated rulemaking was not feasible. The fiscal impact associated with this rulemaking is an ongoing increase of \$150,000 in state general funds which has already been appropriated in Senate Bill 1414.

The proposed rule appears to be within the authority granted to the Department in Sections 56-202(b) and 56-204A, Idaho Code, and Senate Bill 1414.

cc: Department of Health and Welfare  
Tamara Prisock  
Genie Sue Weppner  
Cameron Gilliland

## IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

### 16.04.10 - RULES GOVERNING THE COMMUNITY SERVICES BLOCK GRANT PROGRAM

#### DOCKET NO. 16-0410-1201

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

**EFFECTIVE DATE:** The effective date of the temporary rule is October 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 Sections 56-202 and 56-203, Idaho Code, and 42 USC Chapter 106.

**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 August 15, 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 rules are being amended to align with federal regulations. The eligibility level for the community services block grant program is 125% of the Federal Poverty Guideline (FPG). The eligibility level for these services was temporarily increased to 200% of the FPG under the American Recovery and Reinvestment Act (ARRA) of 2009, and is being reduced, as the increase was not meant to be a permanent increase.

**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 need to be aligned with 42 USC Chapter 106 for the Federal Poverty Guideline (FPG) level of 125%. The eligibility level was temporarily increased under ARRA, but has been reduced back to the previous eligibility level.

**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 will be no fiscal impact to state general funds for this rulemaking. The Community Services Block Grant program is 100% federally funded.

**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 this rule change. The Department is required to align this program's rules with the federal regulations in 42 USC Chapter 106.

**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 August 22, 2012.

DATED this 12th day of July, 2012.

Tamara Prisock  
DHW - Administrative Procedures Section  
450 W. State Street - 10th Floor  
P.O. Box 83720  
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. 16-0410-1201**

**010. DEFINITIONS.**

- 01. CSBG.** Community Services Block Grant. (3-29-10)
- 02. Community Action Agency.** A private, non-profit organization serving the low-income population in specified counties of the state with which the Idaho Department of Health and Welfare has contracted for the provision of CSBG services. (3-30-01)
- 03. Department.** The Idaho Department of Health and Welfare. (3-30-01)
- 04. Earned Income.** Cash or in-kind payment derived from employment or self-employment. Receipt of a service, benefit, or durable goods instead of wages is in-kind income. Earned income is gross earnings before deductions for taxes or any other purposes. (3-30-01)
- 05. Eligible Entity.** A private, non-profit organization which is a community action agency or a migrant or seasonal farm worker organization receiving CSBG funding before October 27, 1998, or designated by the Department as an eligible entity for an unserved area after October 27, 1998, and which is governed by a tripartite board, as defined in this rule. (3-29-10)
- 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>. (3-29-10)
- 07. HHS.** The United States Department of Health and Human Services. (3-29-10)
- 08. Low-Income and Poor Participants.** Those persons receiving or eligible to receive CSBG services who live in households having an income at or below ~~two~~ **one** hundred **twenty-five** percent (~~200~~**125**%) of the federal poverty guidelines. (~~3-29-10~~)(10-1-11)T
- 09. Tripartite Board.** A board, selected by an eligible entity, which participates in the development, planning, implementation, and evaluation of the community services block grant program, composed as follows: (3-30-01)
- a.** One-third (1/3) of the board members are elected public officials, currently holding office, or their representatives. Appointed public officials or their representatives will meet this requirement if the number of elected officials available and willing to serve is less than one-third (1/3) of the board membership. (3-30-01)
- b.** At least one-third (1/3) of the board members are representatives of low-income individuals and families, living in the neighborhoods they serve, chosen by democratic selection procedures. (3-30-01)

c. The remaining board members are officials or members of business, industry, labor, religious, law enforcement, education, or other major groups and interests in the community served. (3-30-01)

10. **Unearned Income.** Income received from sources other than employment or self-employment, such as Social Security, unemployment insurance, and workers' compensation. (3-30-01)

011. -- 126. (RESERVED)

**127. INCOME ELIGIBILITY REQUIREMENTS.**

Assistance under this program is limited to participant households with countable income at or below ~~one~~ one hundred twenty-five percent (~~200~~125%) of the federal poverty guidelines updated annually in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2). ~~(3-29-10)~~(10-1-11)T

01. **Countable Income.** All earned and unearned income is counted in determining eligibility, unless specifically excluded by rule. (3-30-01)

02. **Income Not Counted.** For eligibility purposes, the following types of income are not counted. (3-30-01)

- a. Benefit payments from Medicare Insurance. (3-30-01)
- b. State cash assistance payments. (3-30-01)
- c. Child care subsidy payments. (3-30-01)
- d. Private loans made to the participant or the household. (3-30-01)
- e. Assets withdrawn from a personal bank account. (3-30-01)
- f. Sale of real property if reinvested within three (3) calendar months. (3-30-01)
- g. Lump sum payments from an IRA. (3-30-01)
- h. Income tax refunds. (3-30-01)
- i. Income from capital gains. (3-30-01)
- j. Infrequent, irregular or unpredictable income from gifts or lottery winnings of less than one hundred dollars (\$100). (3-30-01)
- k. Wages or allowances paid to a live-in attendant for care of a disabled person. (3-30-01)
- l. Interest posted to a bank account. (3-30-01)
- m. Monies for educational purposes from the federal Perkins/National Direct Student Loan program, college work-study programs, state student incentive grants, Supplemental Education Opportunity Grants, Pell, guaranteed student loans, and supplemental grants funded under Title IV, A-2. (3-29-10)
- n. Monies from the VA-GI Bill for Education. (3-30-01)
- o. Department of Health and Welfare adoption subsidies. (3-30-01)
- p. Compensation to volunteers under the Older Americans Act or Foster Grandparent Program, including Green Thumb and Vista volunteers, and the Title V Senior Employment Program. (3-30-01)
- q. Payments made by a third party, non-household member for the household, such as for child care,

- energy assistance, shelter, food and clothing assistance. (3-30-01)
- r.** Value of food stamps or donated food. (3-30-01)
  - s.** Utility allowance. (3-30-01)
  - t.** Child support income. (3-29-10)

# IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

## 16.06.01 - CHILD AND FAMILY SERVICES

### DOCKET NO. 16-0601-1201

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

**EFFECTIVE DATE:** The effective date of the temporary rule is July 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 Section 56-202(b) and 56-204A, Idaho Code, and Department appropriations under Senate Bill 1414 adopted by the 2012 Legislature.

**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 August 15, 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:

The 2012 Legislature adopted the Department appropriations budget under Senate Bill 1414. The legislative intent language specifically increased the foster family reimbursements in those appropriations. The rules are being amended to reflect this increase in the monthly reimbursement for a child in foster care based on the child's age.

**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:

These rule are being implemented as a temporary rule to reflect the increase in foster care reimbursements for state fiscal year 2013 that begins on July 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: 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.

DHW appropriations in Senate Bill 1414 added an ongoing increase of \$150,000 in state general funds for foster care reimbursements. This funding increase is the only fiscal impact to the state general fund.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule is a temporary rule, and the determination was made that it was not feasible to negotiate on this rulemaking.

**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 Cameron Gilliland at (208) 334-5702.

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 August 22, 2012.

DATED this 12th day of July, 2012.



Tamara Prisock  
DHW - Administrative Procedures Section  
450 W. State Street - 10th Floor  
P.O. Box 83720  
Boise, ID 83720-0036  
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**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT  
FOR DOCKET NO. 16-0601-1201**

**483. PAYMENT TO FAMILY ALTERNATE CARE PROVIDERS.**

Monthly payments for care provided by family alternate care providers are:

Family Alternate Care Payments - Table 483			
Ages	0-5	6-12	13-18
Monthly Room and Board	<del>\$274</del> 301	<del>\$300</del> 339	<del>\$434</del> 453

~~(5-8-09)~~(7-1-12)T

**01. Gifts.** An additional thirty dollars (\$30) for Christmas gifts and twenty dollars (\$20) for birthday gifts will be paid in the appropriate months. (5-8-09)

**02. Clothing.** Costs for clothing will be paid, based upon the Department's determination of each child's needs. All clothing purchased for a child in alternate care becomes the property of the child. (5-8-09)

**03. School Fees.** School fees due upon enrollment will be paid directly to the school or to the alternate care providers, based upon the Department's determination of the child's needs. (5-8-09)