

Dear Senators HEIDER, Nuxoll, Bock, and  
Representatives WOOD (27), Perry, Rusche:

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

IDAPA 16.03.15 - Rules & Minimum Standards for Semi-Independent Group Residential  
Facilities for Developmentally Disabled or Mentally Ill (Chapter Repeal) (Docket No.  
16-0315-1301);

IDAPA 16.06.01 - Rules Pertaining To Child & Family Services (Docket No. 16-0601-1301).

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 07/12/2013. 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 08/09/2013.

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 Health & Welfare Committee  
**FROM:** Senior Legislative Research Analyst - Ryan Bush  
**DATE:** June 24, 2013  
**SUBJECT:** Department of Health and Welfare

IDAPA 16.03.15 - Rules & Minimum Standards for Semi-Independent Group Residential Facilities for Developmentally Disabled or Mentally Ill (Chapter Repeal) (Docket No. 16-0315-1301)

IDAPA 16.06.01 - Rules Pertaining To Child & Family Services (Docket No. 16-0601-1301)

### **(1) 16.03.15 - Rules & Minimum Standards for Semi-Independent Group Residential Facilities for Developmentally Disabled or Mentally Ill (Chapter Repeal) (Docket No. 16-0315-1301)**

The Department of Health and Welfare submits notice of proposed rulemaking at IDAPA 16.03.15 - Rules and Minimum Standards for Semi-Independent Group Residential Facilities for Developmentally Disabled or Mentally Ill. The Department states that this chapter of rules is obsolete and should be repealed. The Department states that it stopped certifying such facilities several years ago because they are private facilities and provide no Medicaid-reimbursed services and because it has limited resources in terms of survey staff.

The Department states that negotiated rulemaking was not conducted because it was not feasible. The Department further states that it has notified the eight facilities impacted by this change of the fact that they will be repealing this chapter. There is no fiscal impact associated with this rulemaking.

The proposed chapter repeal appears to be within the statutory authority granted to the Department in Sections 39-4605 and 56-202(b), Idaho Code.

### **(2) 16.06.01 - Rules Pertaining To Child & Family Services (Docket No. 16-0601-1301)**

The Department of Health and Welfare submits notice of temporary and proposed rulemaking at IDAPA 16.06.01 - Rules Pertaining To Child & Family Services. The Department states that this rule change reflects an increase in the monthly reimbursement for a child in foster care based on the child's age. The 2013 Legislature adopted the Department appropriations budget under House Bill 283, and the legislative intent language specifically increased the foster family stipend rate in those appropriations.

The Department states that negotiated rulemaking was not conducted because this is a temporary rule and negotiated rulemaking was not feasible. The Department states that the only fiscal impact associated with this rulemaking is the ongoing increase in appropriations from the state general fund of \$148,600 added by House Bill 283.

Mike Nugent, Manager  
Research & Legislation

Cathy Holland-Smith, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

The proposed chapter repeal appears to be within the statutory authority granted to the Department in Sections 56-202(b) and 56-204A, Idaho Code, and House Bill 283.

cc: Department of Health and Welfare  
Tamara Prisock  
Erika Wainaina

## IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

### 16.03.15 - RULES AND MINIMUM STANDARDS FOR SEMI-INDEPENDENT GROUP RESIDENTIAL FACILITIES FOR THE DEVELOPMENTALLY DISABLED OR MENTALLY ILL

#### DOCKET NO. 16-0315-1301 (CHAPTER REPEAL)

#### 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 39-4605, 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 June 19, 2013.

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 a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Department needs to repeal this chapter of rules because the chapter is obsolete. The Department stopped certifying Semi-Independent Group Residential Facilities for the Developmentally Disabled or Mentally Ill several years ago because these are private residential facilities and provide no Medicaid-reimbursed services, and the Department has limited resources in terms of survey staff.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: 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 due to this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible. The Department has notified the eight facilities impacted by this change of the fact that we will be repealing this rule chapter. The Department has not surveyed or certified these private facilities for several years due to limited resources in terms of survey staff. Negotiating with the providers or stakeholders would not change that outcome.

**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 proposed rule, contact Tamara Prisock at (208) 364-1971.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 26, 2013.

DATED this 14th day of May, 2013.

Tamara Prisock  
DHW - Administrative Rules Unit  
450 W. State Street - 10th Floor  
P.O. Box 83720  
Boise, ID 83720-0036  
phone: (208) 334-5500; fax: (208) 334-6558  
e-mail: [dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov)

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**IDAPA 16.03.15 IS BEING REPEALED IN ITS ENTIRETY**

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

## **16.06.01 - CHILD AND FAMILY SERVICES**

### **DOCKET NO. 16-0601-1301**

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

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2013.

**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(b) and 56-204A, Idaho Code, and Department appropriations under House Bill 283 adopted by the 2013 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 June 19, 2013.

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 2013 Legislature adopted the Department appropriations budget under House Bill 283. The legislative intent language specifically increased the foster family stipend rate in those appropriations. These 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 Sections 67-5226(1)(b) and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reason:

This rule is being implemented as a temporary rule to reflect an increase in foster care rates for state fiscal year (SFY) 2014 that begins on July 1, 2013.

**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 House Bill 283 added an ongoing increase of \$148,600 in state general funds for foster care reimbursements for SFY 2014. 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 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 Erika Wainaina at (208) 334-6618.

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 June 26, 2013.

DATED this 14th day of May, 2013.

Tamara Prisock  
DHW - Administrative Rules Unit  
450 W. State Street - 10th Floor  
P.O. Box 83720  
Boise, ID 83720-0036  
phone: (208) 334-5500; 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 TEXT OF THE PROPOSED RULE  
FOR DOCKET NO. 16-0601-1301

**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>304</del> <u>29</u>	\$ <del>339</del> <u>66</u>	\$ <del>453</del> <u>87</u>

~~(4-4-13)~~(7-1-13)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)