

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 476

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO MEDICAID; AMENDING SECTION 56-255, IDAHO CODE, TO REVISE PROVISIONS RELATING TO HOME-BASED AND COMMUNITY-BASED SERVICES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 56-255, Idaho Code, be, and the same is hereby amended to read as follows:

56-255. MEDICAL ASSISTANCE PROGRAM -- SERVICES TO BE PROVIDED. (1) The department may make payments for the following services furnished by providers to participants who are determined to be eligible on the dates on which the services were provided. Any service under this section shall be reimbursed only when medically necessary within the appropriations provided by law and in accordance with federal law and regulation, Idaho law and department rule. Notwithstanding any other provision of this chapter, medical assistance includes the following benefits specific to the eligibility categories established in section 56-254(1), (2) and (3), Idaho Code, as well as a list of benefits to which all Idaho medicaid participants are entitled, defined in subsection (5) of this section.

(2) Specific health benefits and limitations for low-income children and working-age adults with no special health needs include:

(a) All services described in subsection (5) of this section;

(b) Early and periodic screening, diagnosis and treatment services for individuals under age twenty-one (21) years, and treatment of conditions found; and

(c) Cost-sharing required of participants. Participants in the low-income children and working-age adult group are subject to the following premium payments, as stated in department rules:

(i) Participants with family incomes equal to or less than one hundred thirty-three percent (133%) of the federal poverty guideline are not required to pay premiums; and

(ii) Participants with family incomes above one hundred thirty-three percent (133%) of the federal poverty guideline will be required to pay premiums in accordance with department rule.

(3) Specific health benefits for persons with disabilities or special health needs include:

(a) All services described in subsection (5) of this section;

(b) Early and periodic screening, diagnosis and treatment services for individuals under age twenty-one (21) years, and treatment of conditions found;

(c) Case management services as defined in accordance with section 1905(a)(19) or section 1915(g) of the social security act; and

(d) Long-term care services, including:

- 1 (i) Nursing facility services, other than services in an institu-  
2 tion for mental diseases, subject to participant cost-sharing;
- 3 (ii) Home-based and community-based services, subject to federal  
4 approval, provided to individuals who require nursing facility  
5 level of care who, without home-based and community-based ser-  
6 vices, would require institutionalization. These services will  
7 include community supports, including options for self-determi-  
8 nation or family-directed, which will enable individuals to have  
9 greater freedom to manage their own care within the determined  
10 budget as defined by department rule; and
- 11 (iii) Personal care services in a participant's home, prescribed  
12 in accordance with a plan of treatment and provided by a qualified  
13 person under supervision of a registered nurse;
- 14 (e) Services for persons with developmental disabilities, including:
- 15 (i) Intermediate care facility services, other than such ser-  
16 vices in an institution for mental diseases, for persons deter-  
17 mined in accordance with section 1902(a) (31) of the social secu-  
18 rity act to be in need of such care, including such services in a  
19 public institution, or distinct part thereof, for persons with in-  
20 tellectual disabilities or persons with related conditions;
- 21 (ii) Home-based and community-based services, subject to federal  
22 approval, provided to individuals who require an intermediate  
23 care facility for people with intellectual disabilities (ICF/ID)  
24 level of care who, without home-based and community-based ser-  
25 vices, would require institutionalization. These services will  
26 include community supports, ~~including and~~ options for self-deter-  
27 mination self-directed or family-directed services, which will  
28 enable individuals to have greater freedom to manage their own  
29 care within the determined budget as defined by department rule.  
30 The department shall ~~respond to requests for~~ allow budget modifi-  
31 cations only when needed to obtain or maintain employment or when  
32 health and safety issues are identified and meet the criteria as  
33 defined in department rule; and
- 34 (iii) Developmental disability services for children and adults  
35 shall be available based on need through state plan services or  
36 waiver services as described in department rule. The department  
37 shall develop a blended rate covering both individual and group  
38 developmental therapy services;
- 39 (f) Home health services, including:
- 40 (i) Intermittent or part-time nursing services provided by a home  
41 health agency or by a registered nurse when no home health agency  
42 exists in the area;
- 43 (ii) Home health aide services provided by a home health agency;  
44 and
- 45 (iii) Physical therapy, occupational therapy or speech pathology  
46 and audiology services provided by a home health agency or medical  
47 rehabilitation facility;
- 48 (g) Hospice care in accordance with section 1905(o) of the social secu-  
49 rity act;
- 50 (h) Specialized medical equipment and supplies;

- 1 (i) Medicare cost-sharing, including:  
2 (i) Medicare cost-sharing for qualified medicare beneficiaries  
3 described in section 1905(p) of the social security act;  
4 (ii) Medicare part A premiums for qualified disabled and working  
5 individuals described in section 1902(a) (10) (E) (ii) of the social  
6 security act;  
7 (iii) Medicare part B premiums for specified low-income medicare  
8 beneficiaries described in section 1902(a) (10) (E) (iii) of the so-  
9 cial security act; and  
10 (iv) Medicare part B premiums for qualifying individuals de-  
11 scribed in section 1902(a) (10) (E) (iv) and subject to section 1933  
12 of the social security act; and  
13 (j) Nonemergency medical transportation.  
14 (4) Specific health benefits for persons over twenty-one (21) years of  
15 age who have medicare and medicaid coverage include:  
16 (a) All services described in subsection (5) of this section, other  
17 than if provided under the federal medicare program;  
18 (b) All services described in subsection (3) of this section, other  
19 than if provided under the federal medicare program;  
20 (c) Other services that supplement medicare coverage; and  
21 (d) Nonemergency medical transportation.  
22 (5) Benefits for all medicaid participants, unless specifically lim-  
23 ited in subsection (2), (3) or (4) of this section, include the following:  
24 (a) Health care coverage including, but not limited to, basic inpatient  
25 and outpatient medical services, and including:  
26 (i) Physicians' services, whether furnished in the office, the  
27 patient's home, a hospital, a nursing facility or elsewhere;  
28 (ii) Services provided by a physician or other licensed practi-  
29 tioner to prevent disease, disability and other health conditions  
30 or their progressions, to prolong life, or to promote physical or  
31 mental health; and  
32 (iii) Hospital care, including:  
33 1. Inpatient hospital services other than those services  
34 provided in an institution for mental diseases;  
35 2. Outpatient hospital services; and  
36 3. Emergency hospital services;  
37 (iv) Laboratory and x-ray services;  
38 (v) Prescribed drugs;  
39 (vi) Family planning services and supplies for individuals of  
40 child-bearing age;  
41 (vii) Certified pediatric or family nurse practitioners' ser-  
42 vices;  
43 (viii) Emergency medical transportation;  
44 (ix) Behavioral health services, including:  
45 1. Outpatient behavioral health services that are appropri-  
46 ate, delivered by providers that meet national accredita-  
47 tion standards and may include community-based rehabilita-  
48 tion services and case management; and  
49 2. Inpatient psychiatric facility services whether in a  
50 hospital, or for persons under the age of twenty-two (22)

- 1                   years in a freestanding psychiatric facility as permitted by  
2                   federal law;
- 3           (x) Medical supplies, equipment, and appliances suitable for use  
4           in the home;
- 5           (xi) Physical therapy and speech therapies combined to align with  
6           the annual medicare caps; and
- 7           (xii) Occupational therapy to align with the annual medicare cap;
- 8   (b) Primary care medical homes;
- 9   (c) Dental services. Children shall have access to prevention, diag-  
10   nosis and treatment services as defined in federal law. Adult coverage  
11   shall be limited to medically necessary oral surgery and palliative  
12   services and associated diagnostic services. Select covered benefits  
13   include: exams, radiographs, periodontal, oral and maxillofacial  
14   surgery and adjunctive general services as defined in department rule.  
15   Pregnant women, participants on the aged and disabled waiver and the  
16   developmental disability waiver shall have access to dental services  
17   that reflect evidence-based practice;
- 18   (d) Medical care and any other type of remedial care recognized under  
19   Idaho law, furnished by licensed practitioners within the scope of  
20   their practice as defined by Idaho law, including:
- 21           (i) Podiatrists' services based on chronic care criteria as de-  
22           fined in department rule;
- 23           (ii) Optometrists' services based on chronic care criteria as de-  
24           fined in department rule;
- 25           (iii) Chiropractors' services shall be limited to six (6) visits  
26           per year; and
- 27           (iv) Other practitioners' services, in accordance with depart-  
28           ment rules;
- 29   (e) Services for individuals with speech, hearing and language disor-  
30   ders as defined in department rule;
- 31   (f) Eyeglasses prescribed by a physician skilled in diseases of the eye  
32   or by an optometrist;
- 33   (g) Services provided by essential providers, including:
- 34           (i) Rural health clinic services and other ambulatory services  
35           furnished by a rural health clinic in accordance with section  
36           1905(1) (1) of the social security act;
- 37           (ii) Federally qualified health center (FQHC) services and other  
38           ambulatory services that are covered under the plan and furnished  
39           by an FQHC in accordance with section 1905(1) (2) of the social se-  
40           curity act;
- 41           (iii) Indian health services;
- 42           (iv) District health departments; and
- 43           (v) The family medicine residency of Idaho and the Idaho state  
44           university family medicine residency; and
- 45   (h) Physician, hospital or other services deemed experimental are ex-  
46   cluded from coverage. The director may allow coverage of procedures or  
47   services deemed investigational if the procedures or services are as  
48   cost-effective as traditional, standard treatments.