

Dear Senators HEIDER, Souza, Jordan, and
Representatives WOOD, Packer, Chew:

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

IDAPA 16.05.04 - Rules of the Idaho Council on Domestic Violence and Victim Assistance Grant
Funding - Proposed Rule (Docket No. 16-0504-1801).

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 11/13/2018. 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 12/12/2018.

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 334-4854, or send a written request to the address on the
memorandum attached below.



Eric Milstead
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: Principal Legislative Drafting Attorney - Elizabeth Bowen
DATE: October 24, 2018
SUBJECT: Department of Health and Welfare

IDAPA 16.05.04 - Rules of the Idaho Council on Domestic Violence and Victim Assistance Grant Funding
- Proposed Rule (Docket No. 16-0504-1801)

Summary and Stated Reasons for the Rule

This rule updates the incorporation by reference for the Minimum Standards for Domestic Violence Offender Intervention Programs to include the most recent edition.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was not conducted, as it was not considered feasible. There is no anticipated negative fiscal impact on the state general fund.

Statutory Authority

I.C. 39-5209.

cc: Department of Health and Welfare
Frank Powell and Trinetta Middlebrook

*** PLEASE NOTE ***

Per the Idaho Constitution, all administrative rules must be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE
16.05.04 – RULES OF THE IDAHO COUNCIL ON DOMESTIC VIOLENCE
AND VICTIM ASSISTANCE GRANT FUNDING

DOCKET NO. 16-0504-1801

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 Section 39-5209, 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 October 17, 2018.

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:

To best protect the public's health and safety, the Council on Domestic Violence and Victim Assistance is revising its standards manual that is incorporated by reference in this chapter of rules. The revision to these rules will ensure that the most recent edition of the manual has the force and effect of law.

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 anticipated fiscal impact to the state general fund or any other funds related to this rulemaking. Programs affiliated with the ICDVVA provide fees independently. Currently there are no direct funds going to independent programs for offender intervention.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted and deemed not feasible because the content to be proposed for updates to the standards manual for the Idaho Council on Domestic Violence and Victim Assistance (ICDVVA) represents extensive input from stakeholders being gathered at meetings of the Committee for Oversight of Domestic Violence Offender Intervention Programs and Standards, a committee that oversees ICDVVA Offender Intervention Programs. The committee is responsible for making decisions on changes to the standards manual. In addition, the ICDVVA continually receives feedback from the Domestic Violence Offender Intervention Program Providers and the Domestic Violence court coordinators throughout the state.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the Minimum Standards for Domestic Violence Offender Intervention Programs, edition 2019-1, is being incorporated by reference into these rules to give it the force and effect of law. The document is not being published in this chapter of rules due to its length and format, but it is available upon request. Once the docket has been finalized and adopted, the manual will be available online at: <https://icdv.idaho.gov/offender-intervention.html>.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Kimberly Conklin at (208) 332-1545.

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 October 24, 2018.

Dated this 31st day of August, 2018.

Tamara Prisock, DHW – Administrative Rules Unit
Phone: (208) 334-5500 / Fax: (208) 334-6558
dhwrules@dhw.idaho.gov

450 W. State Street – 10th Floor
P.O. Box 83720
Boise, ID 83720-0036

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 16-0504-1801
(Only Those Sections With Amendments Are Shown.)

004. INCORPORATION BY REFERENCE.

01. Documents Incorporated by Reference. In accordance with Section 67-5229, Idaho Code, the following documents are incorporated by reference into this chapter of rules: (7-1-14)

a. “Service Standards for ICDVVA-Funded Programs,” Edition 2014-1, published by the Idaho Council on Domestic Violence and Victim Assistance, effective July 1, 2014. (7-1-14)

b. “Minimum Standards for Domestic Violence Offender Intervention Programs,” published by the Idaho Council on Domestic Violence and Victim Assistance, edition 201~~4~~⁹-1, effective July 1, 201~~4~~⁹.
(~~3-29-12~~)()

02. Availability of Reference Material. Copies of the documents incorporated by reference into these rules are available: (7-1-14)

a. At the Idaho Council on Domestic Violence and Victim Assistance, 304 North 8th Street, Suite 140, P.O. Box 83720, Boise, Idaho 83720-0036. (7-1-14)

b. On the internet at: <http://www.icdv.idaho.gov>. (7-1-14)

INCORPORATION BY REFERENCE SYNOPSIS

In compliance with Section 67-5223(4), Idaho Code, the following is a synopsis of the differences between the materials previously incorporated by reference in this rule that are currently in full force and effect and newly revised or amended versions of these same materials that are being proposed for incorporation by reference under this rulemaking.

The following agency of the State of Idaho has prepared this synopsis as part of the proposed rulemaking for the chapter cited here under the docket number specified:

**DEPARTMENT OF HEALTH AND WELFARE
IDAPA 16.05.04 – RULES OF THE IDAHO COUNCIL ON DOMESTIC VIOLENCE AND
VICTIM ASSISTANCE GRANT FUNDING
Proposed Rulemaking -- Docket No. 16-0504-1801**

(Include a brief description that explains the differences between the version of the materials or documents that are currently incorporated by reference and the materials or documents that are being proposed for adoption in this rulemaking.)

(You may use the following table or write a brief summary of the differences)

Incorporated Document Version/URL	IDAPA Section Number	Current Version of Incorporated Document	Substantive Changes in New Incorporation by Reference Version
<u>Minimum Standards for Domestic Violence Offender Intervention Programs, edition 2011-1</u>	16.05.04.004	Minimum Standards for Domestic Violence Offender Intervention Programs, edition 2011-1	<p>The summary of the changes to the “<i>Minimum Standards for Domestic Violence Offender Intervention Programs</i>” standards manual incorporated by reference in Section 004 of IDAPA 16.05.04, “Rules of the Idaho Council on Domestic Violence and Victim Assistance Grant Funding” is not yet available. The changes for this incorporated manual is being negotiated throughout the year with stakeholders and will be finalized later in the year. The text of the updated standards manual (<i>edition 2019-1</i>) will follow the summary when it has been finalized.</p> <p>If you have further questions, please contact Luann Dettman (Luann.Dettman@dhw.idaho.gov), Executive Director of the Council on Domestic Violence and Victim Assistance at (208) 332-1540, or (800) 291-0463.</p>