

MINUTES  
**HOUSE HEALTH & WELFARE COMMITTEE**

**DATE:** Monday, January 22, 2018

**TIME:** 9:00 A.M.

**PLACE:** Room EW20

**MEMBERS:** Chairman Wood, Vice Chairman Packer, Representatives Perry, Vander Woude, Redman, Blanksma, Hanks, Kingsley, Zollinger, Wagoner, Chew, Rubel

**ABSENT/  
EXCUSED:** None

**GUESTS:** Art Evans, Medicaid; Eric Brown, Sandy Frelly, and Pam Loveland-Schmidt, DHW - L & C; Matt Wimmer and Joyce Broadsword, DHW; Bill Benkula, IACP; Toni Brinegar and Christine Pisani, ICDD; George Gutierrez, DHW-Medicaid; Frank Powell, DHW-Rules Unit; Colby Cameron, Sullivan & Reberger; Brad Hunt, O.A.R.C.

**Chairman Wood** called the meeting to order at 9:00 a.m.

**Chairman Wood** turned the gavel over to **Vice Chairman Packer**.

**DOCKET NO. 16-0309-1701:** **Arthur Evans**, Bureau Chief, Developmental Disabilities (DD) Services, Division of Medicaid, Department of Health and Welfare (DHW) presented **Docket No. 16-0309-1701**. In alignment with existing therapy rules, the school reimbursement timeframe has been updated. This provides reimbursement for services provided between the time the need is identified by the school and the time a recommendation or referral for a Medicaid-reimbursable service is received.

Answering a question, **Mr. Evans**, said the fiscal impact reflects services not previously billed which the schools can now receive retroactively.

For the record, no one indicated their desire to testify.

**MOTION:** **Rep. Redman** made a motion to approve **Docket No. 16-0309-1701**. **Motion carried by voice vote.**

**DOCKET NO. 16-0310-1705:** **Arthur Evans**, Bureau Chief, DD Services, Division of Medicaid, DHW, presented **Docket No. 16-0310-1705**. In compliance with a class action lawsuit settlement, all DD waiver participants will now have the option to pursue an exception review based on not otherwise identified health and safety needs. The exception review creates a well-defined, expedited, and better-functioning process.

Answering a question, **Mr. Evans**, explained the lawsuit challenged budget methodology, due process, and participant ability to receive background information. Rejection of the rule would put them out of compliance with the settlement agreement.

For the record, no one indicated their desire to testify.

**MOTION:** **Rep. Perry** made a motion to approve **Docket No. 16-0310-1705**. **Motion carried by voice vote.**

**DOCKET NO. 16-0310-1707:** **Arthur Evans**, Bureau Chief, DD Services, Division of Medicaid, DHW, presented **Docket No. 16-0310-1707**. As part of a lawsuit settlement agreement, a new DD assessment tool will be used. References to the previous assessment tool and terminology are updated to ensure assessments remain valid, reliable, and continue to be supported.

Answering a question, **Mr. Evans** explained the implementation cost is based on the tool purchase, training, and the independent assessment contractor's costs. The updates support changing the assessment tool, should the new tool lose its reliability.

**Christine Pisani**, Executive Director, Idaho Council on DD, testified **in support of Docket No. 16-0310-1707**. The changes replace an archaic developmental tool which was demeaning and insulting. The new tool is written in plain language, presented in a strength-based approach, and allows individuals to have direct input.

For the record, no one else indicated their desire to testify.

**MOTION:** **Rep. Chew** made a motion to approve **Docket No. 16-0310-1707**. **Motion carried by voice vote. Rep. Hanks** requested to be recorded as voting **NAY**.

**DOCKET NO. 16-0309-1704:** **Arthur Evans**, Bureau Chief, DD Services, Division of Medicaid, DHW, presented **Docket No. 16-0309-1704**. Under a court-approved settlement agreement the Department is implementing a new DD assessment tool. References are updated to delete the previous assessment tool.

For the record, no one indicated their desire to testify.

**MOTION:** **Rep. Rubel** made a motion to approve **Docket No. 16-0309-1704**.

**Rep. Hanks** stated she will be voting against **Docket No. 16-0309-1704** out of concern for the cost and the need for a court order, although she supports adults with disabilities.

**VOTE ON MOTION:** **Motion carried by voice vote. Rep. Hanks** requested to be recorded as voting **NAY**.

**DOCKET NO. 16-0417-1702:** **Eric Brown**, Program Manager, Division of Licensing and Certification, DHW, presented **Docket No. 16-0417-1702**, with an effective date of July 1, 2018. This is a chapter rewrite for residential habilitation services to adults with disabilities. The changes update current best practices, remove obsolete practices, and make the chapter more understandable and user friendly. Application requirements are updated, reporting requirements are reduced, and the reporting time frame is lengthened. Additions include staff qualification requirements, documentation of agency staff training, specific training topics, and language regarding handling participants' medications.

**Bill Benkula**, Legislative Chair, Idaho Association of Community Providers, testified **in support of Docket No. 16-0417-1702**. He was pleased with the amount of hearings and stakeholder input. The removed requirements were burdensome and did not measure up to their intent.

**Toni Brinegar**, Idaho Council on DD, Program Specialist, testified **in support of Docket No. 16-0417-1702**. The changes align with the Community NOW! Report.

Answering questions, **Ms. Brinegar** said the extensive stakeholder input used in this re-write reflects a movement toward a more participant-based service instead of the current provider-driven system.

For the record, no one else indicated their desire to testify.

**MOTION:** **Rep. Redman** made a motion to approve **Docket No. 16-0417-1702**. **Motion carried by voice vote.**

**DOCKET NO. 16-0417-1701:** **Eric Brown**, Program Manager, Division of Licensing and Certification, DHW, presented **Docket No. 16-0417-1701**, a chapter repeal.

For the record, no one indicated their desire to testify.

**MOTION:** Rep. Blanksma made a motion to approve **Docket No. 16-0417-1701. Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 10:01 a.m.

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Representative Packer  
Chair

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Irene Moore  
Secretary