

Dear Senators VANORDEN, Wintrow, and  
Representatives VANDER WOUDE, Erickson, Rubel:

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

IDAPA 16.04.07 - Fees for State Hospital North and State Hospital South (Chapter Repeal) -  
Proposed Rule (Docket No. 16-0407-2401).

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 12/02/2024. 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 12/30/2024.

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.



**Terri Kondeff**  
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:** Legislative Drafter - Kyle Slominski  
**DATE:** November 13, 2024  
**SUBJECT:** Department of Health and Welfare

IDAPA 16.04.07 - Fees for State Hospital North and State Hospital South (Chapter Repeal) - Proposed Rule (Docket No. 16-0407-2401)

#### **Summary and Stated Reasons for the Rule**

This proposed rule would repeal IDAPA 16.04.07 in its entirety, regarding fees for state hospital north and state hospital south. The Department of Health and Welfare states that it intends to repeal this chapter as it repeats existing federal regulations, state Medicaid rules, and state waiver authority. The Department states that eliminating this chapter and proposing to enact it in code removes duplicative regulations and reverts control to elected policy makers.

#### **Negotiated Rulemaking / Fiscal Impact**

The Department states that negotiated rulemaking was not conducted as this is a chapter repeal and the Department deemed that negotiated rulemaking was not necessary. The Department does not anticipate a negative fiscal impact to the general fund.

#### **Statutory Authority**

This rulemaking appears to be authorized pursuant to sections 56-202 and 56-1003, Idaho Code.

cc: Department of Health and Welfare  
Jared Larsen

#### **\*\*\* PLEASE NOTE \*\*\***

Per the Idaho Constitution, all administrative rules may 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.

Paul Headlee, Deputy Director    Matt Drake, Manager    Keith Bybee, Manager    April Renfro, Manager    Norma Clark, Manager  
Legislative Services Office    Research & Legislation    Budget & Policy Analysis    Legislative Audits    Information Technology

Statehouse, P.O. Box 83720  
Boise, Idaho 83720-0054

Tel: 208-334-2475  
legislature.idaho.gov

## IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

### 16.04.07 – FEES FOR STATE HOSPITAL NORTH AND STATE HOSPITAL SOUTH

#### DOCKET NO. 16-0407-2401 (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 Section 56-202, Idaho Code, as well as Section 56-1003, 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 September 18, 2024.

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:

This proposed rule intends to repeal IDAPA 16.04.07 because this chapter repeats Centers for Medicare and Medicaid Services' (CMS) regulations, state Medicaid rules, and/or state waiver authority. By eliminating this chapter, the Department of Health and Welfare removes duplicative regulations and reverts direct control to elected policy makers by proposing enacting in code long-standing provisions found in this rules chapter.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

Fees will not be increased by the elimination of this chapter.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

There will not be an impact to the general fund greater than \$10,000.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted as this is a repeal of the chapter and the agency deems negotiated rulemaking as not necessary.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jared Larsen at 208-334-5500.

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 September 25, 2024.

DATED this 11th day of July, 2024.

Alex J. Adams, PharmD, MPH  
Director  
Idaho Department of Health & Welfare  
450 W. State Street, 10th Floor  
P.O. Box 83720  
Boise, ID 83720-0036  
(208) 334-5500 phone; (208) 334-6558 fax  
[Alex.Adams@dhw.idaho.gov](mailto:Alex.Adams@dhw.idaho.gov)

**IDAPA 16.04.07 IS PROPOSED TO BE REPEALED IN ITS ENTIRETY.**