

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 91

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO THE DEPARTMENT OF HEALTH AND WELFARE; REPEALING SECTION 16-1640,
2 IDAHO CODE, RELATING TO THE ADMINISTRATIVE PROCEDURE ACT; REPEALING
3 SECTION 37-120, IDAHO CODE, RELATING TO THE REPORTING OF MINOR VIOLA-
4 TIONS; REPEALING SECTION 37-132, IDAHO CODE, RELATING TO REGULATIONS
5 BY THE BOARD; REPEALING SECTION 37-134, IDAHO CODE, RELATING TO PUBLI-
6 CATIONS OF REPORTS BY THE DIRECTOR; REPEALING SECTION 37-2510, IDAHO
7 CODE, RELATING TO THE PUBLICITY PENALTY FOR VIOLATIONS OF OIL LAWS;
8 REPEALING SECTION 37-2749, IDAHO CODE, RELATING TO THE CONTINUATION OF
9 EXISTING UNIFORMED CONTROLLED SUBSTANCE RULES; REPEALING CHAPTER 31,
10 TITLE 37, IDAHO CODE, RELATING TO THE TREATMENT OF NARCOTIC DRUG AD-
11 DICTS; REPEALING SECTION 39-251, IDAHO CODE, RELATING TO COMPENSATION
12 OF LOCAL REGISTRARS; REPEALING SECTION 39-254, IDAHO CODE, RELATING
13 TO PAYMENT OF FEES TO LOCAL REGISTRATION OFFICERS; REPEALING SECTION
14 39-601A, IDAHO CODE, RELATING TO THE POLICY ON EXPENDITURES FOR THE
15 TESTING AND TREATMENT OF CERTAIN DISEASES; REPEALING SECTION 39-603,
16 IDAHO CODE, RELATING TO THE EXAMINATION, TREATMENT, AND QUARANTINE
17 OF PERSONS WITH VENEREAL DISEASES; REPEALING SECTION 39-606, IDAHO
18 CODE, RELATING TO REPORTS OF PERSONS WITH VENEREAL DISEASES; REPEAL-
19 ING SECTION 39-609, IDAHO CODE, RELATING TO THE DECLARATION OF POLICY
20 REGARDING HUMAN IMMUNODEFICIENCY VIRUS; REPEALING SECTION 31-873,
21 IDAHO CODE, RELATING TO REIMBURSEMENT FOR CERTAIN MEDICAL ASSISTANCE
22 PAYMENTS; REPEALING SECTION 39-907, IDAHO CODE, RELATING TO CERTAIN
23 BIRTH REPORTS; REPEALING SECTION 39-1212, IDAHO CODE, RELATING TO THE
24 APPLICATION OF THE ADMINISTRATIVE PROCEDURES ACT; REPEALING SECTION
25 39-1223, IDAHO CODE, RELATING TO THE CONSTRUCTION OF THE ACT; REPEAL-
26 ING SECTION 39-1308, IDAHO CODE, RELATING TO THE EFFECTIVE DATE OF
27 REGULATIONS FOR HOSPITAL LICENSES AND INSPECTION; REPEALING SECTION
28 39-1314, IDAHO CODE, RELATING TO SEPARABILITY; REPEALING SECTIONS
29 39-1401 THROUGH 39-1417, IDAHO CODE, RELATING TO THE HEALTH FACILITIES
30 CONSTRUCTION ACT; REPEALING SECTION 39-1802, IDAHO CODE, RELATING TO
31 THE POSTING OF INFORMATION IN HOTEL ROOMS; REPEALING CHAPTER 32, TITLE
32 39, IDAHO CODE, RELATING TO THE IDAHO COMMUNITY HEALTH CENTER GRANT
33 PROGRAM; REPEALING SECTION 39-3306, IDAHO CODE, RELATING TO STATE LI-
34 CENSING SUPERSEDING LOCAL REGULATION FOR THE IDAHO RESIDENTIAL CARE OR
35 ASSISTED LIVING ACT; REPEALING SECTION 39-3354, IDAHO CODE, RELATING TO
36 A WAIVER OR VARIANCE; REPEALING SECTION 39-3354A, IDAHO CODE, RELATING
37 TO A SPECIAL WAIVER PERMITTED; REPEALING SECTION 39-3355, IDAHO CODE,
38 RELATING TO INSPECTIONS OF RESIDENTIAL CARE OR ASSISTED LIVING FACILI-
39 TIES; REPEALING SECTION 39-4607, IDAHO CODE, RELATING TO THE CONTINU-
40 ATION OF EXISTING DEVELOPMENTAL DISABILITIES FACILITIES OR SERVICES;
41 REPEALING SECTION 39-4805, IDAHO CODE, RELATING TO THE IDAHO CHILDHOOD
42 IMMUNIZATION POLICY COMMISSION; REPEALING CHAPTER 49, TITLE 39, IDAHO
43 CODE, RELATING TO THE IDAHO HEALTH PLANNING ACT; REPEALING CHAPTER 51,
44 TITLE 39, IDAHO CODE, RELATING TO THE DEVELOPMENTAL DISABILITIES FAM-
45

1 ILY SUPPORT AND IN-HOME ASSISTANCE ACT; REPEALING CHAPTER 56, TITLE
2 39, IDAHO CODE, RELATING TO MEDICAID AND PERSONAL ASSISTANCE SERVICES;
3 REPEALING SECTION 39-8207, IDAHO CODE, RELATING TO A REPORT TO THE LEG-
4 ISLATURE REGARDING THE IDAHO SAFE HAVEN ACT; REPEALING SECTION 56-104,
5 IDAHO CODE, RELATING TO RECAPTURE OF DEPRECIATION; REPEALING SECTION
6 56-114, IDAHO CODE, RELATING TO FREESTANDING SPECIAL CARE FACILITIES;
7 REPEALING SECTION 56-116, IDAHO CODE, RELATING TO NURSING FACILITY
8 PAYMENT METHODOLOGY; REPEALING SECTION 56-118, IDAHO CODE, RELATING TO
9 REIMBURSEMENT RATES FOR SKILLED AND INTERMEDIATE SERVICES; REPEALING
10 SECTION 56-131, IDAHO CODE, RELATING TO MULTIPLE-USE PLANS FOR SKILLED
11 AND INTERMEDIATE SERVICES; REPEALING SECTION 56-135, IDAHO CODE, RE-
12 LATING TO THE ADOPTION OF RULES REGARDING SKILLED AND INTERMEDIATE
13 SERVICES; REPEALING SECTION 56-206, IDAHO CODE, RELATING TO GENERAL
14 PUBLIC ASSISTANCE; REPEALING SECTION 56-209, IDAHO CODE, RELATING TO
15 ASSISTANCE TO FAMILIES WITH CHILDREN; REPEALING SECTION 56-209a, IDAHO
16 CODE, RELATING TO AID TO THE DISABLED; REPEALING SECTION 56-209d, IDAHO
17 CODE, RELATING TO THE MEDICAL ASSISTANCE PROGRAM; REPEALING SECTION
18 56-209e, IDAHO CODE, RELATING TO THE ELIGIBILITY OF MARRIED COUPLES
19 FOR MEDICAL ASSISTANCE UNDER THE MEDICAID PROGRAM; REPEALING SECTION
20 56-209f, IDAHO CODE, RELATING TO THE STATE FINANCIAL ASSISTANCE PROGRAM
21 FOR MEDICALLY INDIGENT RESIDENTS; REPEALING SECTION 56-214A, IDAHO
22 CODE, RELATING TO AN AWARD OF PUBLIC ASSISTANCE RECIPIENT'S RIGHT OF
23 FREE CHOICE; REPEALING SECTION 56-216, IDAHO CODE, RELATING TO AN AP-
24 PEAL AND FAIR HEARING; REPEALING SECTION 56-217, IDAHO CODE, RELATING
25 TO CERTAIN COOPERATIVE AGREEMENTS; REPEALING SECTION 56-220, IDAHO
26 CODE, RELATING TO PAYMENT ON DEATH OF RECIPIENT AND APPOINTMENT OF THE
27 ADMINISTRATOR OF PUBLIC ASSISTANCE; REPEALING SECTION 56-222, IDAHO
28 CODE, RELATING TO THE MISUSE OF PUBLIC ASSISTANCE LISTS AND RECORDS;
29 REPEALING SECTION 56-224, IDAHO CODE, RELATING TO RECOVERY OF CERTAIN
30 PUBLIC ASSISTANCE FUNDS; REPEALING SECTION 56-225, IDAHO CODE, RELAT-
31 ING TO A REQUEST FOR NOTICE OF TRANSFER OR ENCUMBRANCE OF REAL PROPERTY
32 AND RULEMAKING; REPEALING SECTION 56-227D, IDAHO CODE, RELATING TO THE
33 UNAUTHORIZED USE OF THE FEDERAL SUPPLEMENTAL NUTRITION ASSISTANCE PRO-
34 GRAM; REPEALING SECTION 56-228, IDAHO CODE, RELATING TO THE LIMITATIONS
35 OF THE ACT; REPEALING SECTION 56-229, IDAHO CODE, RELATING TO SEPARA-
36 BILITY; REPEALING SECTION 56-233, IDAHO CODE, RELATING TO A PROCEDURE
37 FOR DISBURSEMENT OF FUNDS TO RECIPIENTS; REPEALING SECTION 56-235E,
38 IDAHO CODE, RELATING TO RULEMAKING AUTHORITY; REPEALING SECTION
39 56-252, IDAHO CODE, RELATING TO DEFINITIONS; REPEALING SECTION 56-262,
40 IDAHO CODE, RELATING TO DEFINITIONS; REPEALING SECTION 56-264, IDAHO
41 CODE, RELATING TO RULEMAKING AUTHORITY; REPEALING CHAPTER 3, TITLE 56,
42 IDAHO CODE, RELATING TO COUNTY COUNCILS OF PUBLIC ASSISTANCE; REPEALING
43 SECTION 56-1038, IDAHO CODE, RELATING TO COORDINATION WITH OTHER AGEN-
44 CIES; REPEALING SECTION 56-1040, IDAHO CODE, RELATING TO RULEMAKING
45 AUTHORITY; REPEALING SECTION 56-1054, IDAHO CODE, RELATING TO HEALTH
46 QUALITY PLANNING; AMENDING SECTION 56-1403, IDAHO CODE, TO PROVIDE A
47 CORRECT CODE REFERENCE AND TO REMOVE A CODE REFERENCE; AMENDING SEC-
48 TION 56-1404, IDAHO CODE, TO REMOVE A CODE REFERENCE; REPEALING SECTION
49 56-1405, IDAHO CODE, RELATING TO REVIEW OF ANNUAL ASSESSMENT AMOUNT;
50 REPEALING SECTION 56-1407, IDAHO CODE, RELATING TO TIMING OF PAYMENTS

1 AND ASSESSMENTS; REPEALING SECTION 56-1410, IDAHO CODE, RELATING TO
2 APPLICABILITY; REPEALING SECTION 56-1502, IDAHO CODE, RELATING TO LEG-
3 ISLATIVE INTENT; AMENDING SECTION 56-1504, IDAHO CODE, TO REMOVE CODE
4 REFERENCES; AMENDING SECTION 56-1505, IDAHO CODE, TO REMOVE OBSOLETE
5 LANGUAGE; REPEALING SECTION 56-1506, IDAHO CODE, RELATING TO APPROVAL
6 OF A STATE PLAN; REPEALING SECTION 56-1507, IDAHO CODE, RELATING TO
7 MULTIFACILITY LOCATIONS; REPEALING SECTION 56-1508, IDAHO CODE, RE-
8 LATING TO TERMINATION OF ASSESSMENT; REPEALING SECTION 56-1510, IDAHO
9 CODE, RELATING TO RULEMAKING AUTHORITY; REPEALING SECTION 56-1511,
10 IDAHO CODE, RELATING TO ANNUAL NURSING FACILITY ADJUSTMENT PAYMENTS;
11 AMENDING SECTION 56-1603, IDAHO CODE, TO REMOVE A CODE REFERENCE; RE-
12 PEALING SECTION 56-1605, IDAHO CODE, RELATING TO APPROVAL OF A STATE
13 PLAN; REPEALING SECTION 56-1606, IDAHO CODE, RELATING TO MULTIFACILITY
14 LOCATIONS; REPEALING SECTION 56-1607, IDAHO CODE, RELATING TO TERMI-
15 NATION OF CERTAIN ASSESSMENTS; REPEALING SECTION 56-1609, IDAHO CODE,
16 RELATING TO ANNUAL INTERMEDIATE CARE FACILITY ADJUSTMENT PAYMENTS; RE-
17 PEALING SECTION 56-1610, IDAHO CODE, RELATING TO RULEMAKING AUTHORITY;
18 REPEALING SECTION 66-409, IDAHO CODE, RELATING TO THE AUTHORITY TO AD-
19 MIT DEVELOPMENTALLY DISABLED PERSONS; REPEALING SECTION 66-415, IDAHO
20 CODE, RELATING TO THE RECEIPT AND ACCEPTANCE OF FOREIGN GUARDIANSHIP
21 OR CONSERVATORSHIP; REPEALING SECTION 66-416, IDAHO CODE, RELATING TO
22 THE TRANSFER OF GUARDIANSHIP OR CONSERVATORSHIP TO A FOREIGN JURISDIC-
23 TION; REPEALING SECTION 66-417, IDAHO CODE, RELATING TO THE TEMPORARY
24 RECOGNITION OF FOREIGN GUARDIANSHIP OR CONSERVATORSHIP OF A DEVELOP-
25 MENTALLY DISABLED PERSON; REPEALING CHAPTER 14, TITLE 66, IDAHO CODE,
26 RELATING TO THE SECURE TREATMENT FACILITY ACT; REPEALING CHAPTER 31,
27 TITLE 67, IDAHO CODE, RELATING TO STATE GRANTS-IN-AID; REPEALING CHAP-
28 TER 34, TITLE 67, IDAHO CODE, RELATING TO CHANGES IN STATE GOVERNMENT
29 OFFICES; REPEALING SECTION 67-6905, IDAHO CODE, RELATING TO FOOD SER-
30 VICE FACILITY CONTRACTS; AMENDING SECTION 18-217, IDAHO CODE, TO REMOVE
31 CODE REFERENCES; AMENDING SECTION 31-874, IDAHO CODE, TO REMOVE A CODE
32 REFERENCE; AMENDING SECTION 39-605, IDAHO CODE, TO REMOVE A CODE REFER-
33 ENCE; AMENDING SECTION 39-610, IDAHO CODE, TO REMOVE CODE REFERENCES;
34 AMENDING SECTION 39-1219, IDAHO CODE, TO PROVIDE A CORRECT CODE REFER-
35 ENCE; AMENDING SECTION 39-1302, IDAHO CODE, TO PROVIDE A CORRECT CODE
36 REFERENCE; AMENDING SECTION 39-1303, IDAHO CODE, TO PROVIDE A CORRECT
37 CODE REFERENCE; AMENDING SECTION 39-1308, IDAHO CODE, TO PROVIDE A COR-
38 RECT CODE REFERENCE; AMENDING SECTION 39-1312, IDAHO CODE, TO PROVIDE A
39 CORRECT CODE REFERENCE; AMENDING SECTION 39-1313, IDAHO CODE, TO PRO-
40 VIDE A CORRECT CODE REFERENCE; AMENDING SECTION 39-1392a, IDAHO CODE,
41 TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 39-2411, IDAHO
42 CODE, TO REMOVE A CODE REFERENCE; AMENDING SECTION 39-3303, IDAHO CODE,
43 TO REMOVE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMEND-
44 ING SECTION 54-1704, IDAHO CODE, TO REMOVE A CODE REFERENCE; AMENDING
45 SECTION 55-819, IDAHO CODE, TO REMOVE A CODE REFERENCE AND TO MAKE
46 TECHNICAL CORRECTIONS; AMENDING SECTION 56-214, IDAHO CODE, TO REMOVE
47 A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
48 56-234A, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SEC-
49 TION 56-1036, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING

1 SECTION 56-1037, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND
2 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

4 SECTION 1. That Section [16-1640](#), Idaho Code, be, and the same is hereby
5 repealed.

6 SECTION 2. That Section [37-120](#), Idaho Code, be, and the same is hereby
7 repealed.

8 SECTION 3. That Section [37-132](#), Idaho Code, be, and the same is hereby
9 repealed.

10 SECTION 4. That Section [37-134](#), Idaho Code, be, and the same is hereby
11 repealed.

12 SECTION 5. That Section [37-2510](#), Idaho Code, be, and the same is hereby
13 repealed.

14 SECTION 6. That Section [37-2749](#), Idaho Code, be, and the same is hereby
15 repealed.

16 SECTION 7. That Chapter 31, Title 37, Idaho Code, be, and the same is
17 hereby repealed.

18 SECTION 8. That Section [39-251](#), Idaho Code, be, and the same is hereby
19 repealed.

20 SECTION 9. That Section [39-254](#), Idaho Code, be, and the same is hereby
21 repealed.

22 SECTION 10. That Section [39-601A](#), Idaho Code, be, and the same is hereby
23 repealed.

24 SECTION 11. That Section [39-603](#), Idaho Code, be, and the same is hereby
25 repealed.

26 SECTION 12. That Section [39-606](#), Idaho Code, be, and the same is hereby
27 repealed.

28 SECTION 13. That Section [39-609](#), Idaho Code, be, and the same is hereby
29 repealed.

30 SECTION 14. That Section [31-873](#), Idaho Code, be, and the same is hereby
31 repealed.

32 SECTION 15. That Section [39-907](#), Idaho Code, be, and the same is hereby
33 repealed.

34 SECTION 16. That Section [39-1212](#), Idaho Code, be, and the same is hereby
35 repealed.

1 SECTION 17. That Section [39-1223](#), Idaho Code, be, and the same is hereby
2 repealed.

3 SECTION 18. That Section [39-1308](#), Idaho Code, be, and the same is hereby
4 repealed.

5 SECTION 19. That Section [39-1314](#), Idaho Code, be, and the same is hereby
6 repealed.

7 SECTION 20. That Sections [39-1401](#) through [39-1417](#), Idaho Code, be, and
8 the same are hereby repealed.

9 SECTION 21. That Section [39-1802](#), Idaho Code, be, and the same is hereby
10 repealed.

11 SECTION 22. That Chapter 32, Title 39, Idaho Code, be, and the same is
12 hereby repealed.

13 SECTION 23. That Section [39-3306](#), Idaho Code, be, and the same is hereby
14 repealed.

15 SECTION 24. That Section [39-3354](#), Idaho Code, be, and the same is hereby
16 repealed.

17 SECTION 25. That Section [39-3354A](#), Idaho Code, be, and the same is
18 hereby repealed.

19 SECTION 26. That Section [39-3355](#), Idaho Code, be, and the same is hereby
20 repealed.

21 SECTION 27. That Section [39-4607](#), Idaho Code, be, and the same is hereby
22 repealed.

23 SECTION 28. That Section [39-4805](#), Idaho Code, be, and the same is hereby
24 repealed.

25 SECTION 29. That Chapter 49, Title 39, Idaho Code, be, and the same is
26 hereby repealed.

27 SECTION 30. That Chapter 51, Title 39, Idaho Code, be, and the same is
28 hereby repealed.

29 SECTION 31. That Chapter 56, Title 39, Idaho Code, be, and the same is
30 hereby repealed.

31 SECTION 32. That Section [39-8207](#), Idaho Code, be, and the same is hereby
32 repealed.

33 SECTION 33. That Section [56-104](#), Idaho Code, be, and the same is hereby
34 repealed.

35 SECTION 34. That Section [56-114](#), Idaho Code, be, and the same is hereby
36 repealed.

1 SECTION 35. That Section [56-116](#), Idaho Code, be, and the same is hereby
2 repealed.

3 SECTION 36. That Section [56-118](#), Idaho Code, be, and the same is hereby
4 repealed.

5 SECTION 37. That Section [56-131](#), Idaho Code, be, and the same is hereby
6 repealed.

7 SECTION 38. That Section [56-135](#), Idaho Code, be, and the same is hereby
8 repealed.

9 SECTION 39. That Section [56-206](#), Idaho Code, be, and the same is hereby
10 repealed.

11 SECTION 40. That Section [56-209](#), Idaho Code, be, and the same is hereby
12 repealed.

13 SECTION 41. That Section [56-209a](#), Idaho Code, be, and the same is hereby
14 repealed.

15 SECTION 42. That Section [56-209d](#), Idaho Code, be, and the same is hereby
16 repealed.

17 SECTION 43. That Section [56-209e](#), Idaho Code, be, and the same is hereby
18 repealed.

19 SECTION 44. That Section [56-209f](#), Idaho Code, be, and the same is hereby
20 repealed.

21 SECTION 45. That Section [56-214A](#), Idaho Code, be, and the same is hereby
22 repealed.

23 SECTION 46. That Section [56-216](#), Idaho Code, be, and the same is hereby
24 repealed.

25 SECTION 47. That Section [56-217](#), Idaho Code, be, and the same is hereby
26 repealed.

27 SECTION 48. That Section [56-220](#), Idaho Code, be, and the same is hereby
28 repealed.

29 SECTION 49. That Section [56-222](#), Idaho Code, be, and the same is hereby
30 repealed.

31 SECTION 50. That Section [56-224](#), Idaho Code, be, and the same is hereby
32 repealed.

33 SECTION 51. That Section [56-225](#), Idaho Code, be, and the same is hereby
34 repealed.

35 SECTION 52. That Section [56-227D](#), Idaho Code, be, and the same is hereby
36 repealed.

1 SECTION 53. That Section [56-228](#), Idaho Code, be, and the same is hereby
2 repealed.

3 SECTION 54. That Section [56-229](#), Idaho Code, be, and the same is hereby
4 repealed.

5 SECTION 55. That Section [56-233](#), Idaho Code, be, and the same is hereby
6 repealed.

7 SECTION 56. That Section [56-235E](#), Idaho Code, be, and the same is hereby
8 repealed.

9 SECTION 57. That Section [56-252](#), Idaho Code, be, and the same is hereby
10 repealed.

11 SECTION 58. That Section [56-262](#), Idaho Code, be, and the same is hereby
12 repealed.

13 SECTION 59. That Section [56-264](#), Idaho Code, be, and the same is hereby
14 repealed.

15 SECTION 60. That Chapter 3, Title 56, Idaho Code, be, and the same is
16 hereby repealed.

17 SECTION 61. That Section [56-1038](#), Idaho Code, be, and the same is hereby
18 repealed.

19 SECTION 62. That Section [56-1040](#), Idaho Code, be, and the same is hereby
20 repealed.

21 SECTION 63. That Section [56-1054](#), Idaho Code, be, and the same is hereby
22 repealed.

23 SECTION 64. That Section 56-1403, Idaho Code, be, and the same is hereby
24 amended to read as follows:

25 56-1403. HOSPITAL ASSESSMENT FUND ESTABLISHED. (1) There is hereby
26 created in the office of the state treasurer a dedicated fund to be known as
27 the hospital assessment fund, hereinafter "fund," to be administered by the
28 department of health and welfare, hereinafter "department." The state trea-
29 surer shall invest idle moneys in the fund and any interest received on those
30 investments shall be returned to the fund.

31 (2) Moneys in the fund shall consist of:

32 (a) All moneys collected or received by the department from private
33 hospital assessments required by this chapter;

34 (b) All federal matching funds received by the department as a result
35 of expenditures made by the department that are attributable to moneys
36 deposited in the fund;

37 (c) Any interest or penalties levied in conjunction with the adminis-
38 tration of this chapter; and

39 (d) Any appropriations, federal funds, donations, gifts or moneys from
40 any other sources.

1 (3) The fund is created for the purpose of receiving moneys in accor-
 2 dance with this section and section 56-1404, Idaho Code. Moneys in the fund
 3 shall be distributed by the department subject to appropriation for the fol-
 4 lowing purposes only:

5 (a) Payments to private hospitals as required under Idaho's medical as-
 6 sistance program as set forth in sections 56-209b ~~through 56-209d~~ and 56-209c,
 7 Idaho Code;

8 (b) Reimbursement of moneys collected by the department from private
 9 hospitals through error or mistake in performing the activities autho-
 10 rized under Idaho's medical assistance program;

11 (c) Payments of administrative expenses incurred by the department or
 12 its agent in performing the activities authorized by this chapter;

13 (d) Payments made to the federal government to repay excess payments
 14 made to private hospitals from the fund if the assessment plan is deemed
 15 out of compliance and after the state has appealed the findings. Hospi-
 16 tals shall refund the payments in question to the assessment fund. The
 17 state in turn shall return funds to both the federal government and hos-
 18 pital providers in the same proportion as the original financing. Indi-
 19 vidual hospitals shall be reimbursed based on the proportion of the in-
 20 dividual hospital's assessment to the total assessment paid by all pri-
 21 vate hospitals. If a hospital is unable to refund payments, the state
 22 shall develop a payment plan and deduct moneys from future medicaid pay-
 23 ments;

24 (e) Transfers to any other fund in the state treasury, provided such
 25 transfers shall not exceed the amount transferred previously from that
 26 other fund into the hospital assessment fund; and

27 ~~(f) Making refunds to hospitals pursuant to section 56-1410, Idaho~~
 28 ~~Code; and~~

29 ~~(g)~~ (f) Offsetting general funding needed to support Idaho medicaid.

30 SECTION 65. That Section 56-1404, Idaho Code, be, and the same is hereby
 31 amended to read as follows:

32 56-1404. ASSESSMENTS. (1) All private hospitals, except those ex-
 33 empted under section 56-1408, Idaho Code, shall make payments to the fund in
 34 accordance with this chapter. ~~Subject to section 56-1410, Idaho Code, an An~~
 35 annual assessment on both inpatient and outpatient services is determined
 36 for each qualifying hospital for each state fiscal year in an amount calcu-
 37 lated by multiplying the rate, as set forth in subsections (2) (c) and (3) (b)
 38 of this section, by the assessment base, as set forth in subsection (5) of
 39 this section.

40 (2) (a) The department shall calculate the private hospital upper pay-
 41 ment limit gap for both inpatient and outpatient services. The upper
 42 payment limit gap is the difference between the maximum allowable pay-
 43 ments eligible for federal match, less medicaid payments not financed
 44 using hospital assessment funds. The upper payment limit gap shall be
 45 calculated separately for hospital inpatient and outpatient services.
 46 Medicaid disproportionate share payments shall be excluded from the
 47 calculation.

48 (b) Idaho medicaid will start work toward approval by the centers for
 49 medicare and medicaid services (CMS) of an updated upper payment limit

1 calculation methodology no later than July 1, 2022. This change is
2 needed due to the change reflected in section 56-265, Idaho Code, in re-
3 imbursement from retrospective cost settlements to prospective payment
4 systems.

5 (c) The department shall calculate the upper payment limit assessment
6 rate for each state fiscal year to be the percentage that, when multi-
7 plied by the assessment base as defined in subsection (5) of this sec-
8 tion, equals the upper payment limit payment.

9 (d) Beginning July 1, 2022, or upon approval by CMS, whichever is later,
10 the assessment rate referenced in paragraph (c) of this subsection will
11 increase to the amount needed to attain an increased supplemental upper
12 payment limit payment. This payment amount is subject to CMS approval
13 of the updated upper payment limit methodology described in paragraph
14 (a) of this subsection and legislative appropriation.

15 (e) Beginning July 1, 2023, an additional amount will be assessed at
16 thirty percent (30%) of the upper payment limit payment to be utilized
17 for general fund medicaid needs.

18 (f) If CMS does not approve the updated upper payment limit methodology
19 described in paragraph (b) of this subsection, then the additional as-
20 sessment described in paragraph (e) of this subsection shall not be im-
21 plemented.

22 (g) The assessment described in paragraph (e) of this subsection shall
23 be assessed only if the upper payment limit payment is greater than the
24 total assessment.

25 (3) (a) The department shall calculate the disproportionate share al-
26 lotment amount to be paid to private in-state hospitals.

27 (b) The department shall calculate the disproportionate share assess-
28 ment rate for private in-state hospitals to be the percentage that, when
29 multiplied by the assessment base as defined in subsection (5) of this
30 section, equals the amount of state funding necessary to pay the private
31 in-state hospital disproportionate share allotment determined in para-
32 graph (a) of this subsection.

33 (4) For private in-state hospitals, the assessments calculated pur-
34 suant to subsections (2) and (3) of this section shall not be greater than
35 the federal limit as referenced in 42 CFR 433.68 of the assessment base as
36 defined in subsection (5) of this section.

37 (5) The assessment base shall be the hospital's net patient revenue
38 for the applicable period. Net patient revenue, beginning with state fis-
39 cal year 2023, shall be determined using each hospital's fiscal year 2021
40 medicare cost report on file with the department, without regard to any sub-
41 sequent adjustments or changes to such data. If the 2021 cost report has not
42 been filed, the prior year's cost report will be used. Net patient revenue
43 for each state fiscal year thereafter shall be determined in the same manner
44 using a rolling yearly schedule for each hospital's fiscal year medicare
45 cost report.

46 SECTION 66. That Section [56-1405](#), Idaho Code, be, and the same is hereby
47 repealed.

48 SECTION 67. That Section [56-1407](#), Idaho Code, be, and the same is hereby
49 repealed.

1 SECTION 68. That Section [56-1410](#), Idaho Code, be, and the same is hereby
2 repealed.

3 SECTION 69. That Section [56-1502](#), Idaho Code, be, and the same is hereby
4 repealed.

5 SECTION 70. That Section 56-1504, Idaho Code, be, and the same is hereby
6 amended to read as follows:

7 56-1504. NURSING FACILITY ASSESSMENT FUND. (1) There is hereby cre-
8 ated in the office of the state treasurer a dedicated fund to be known as
9 the nursing facility assessment fund, hereinafter the "fund," to be adminis-
10 tered by the department. The state treasurer shall invest idle moneys in the
11 fund and any interest received on those investments shall be returned to the
12 fund.

13 (2) Moneys in the fund shall consist of:

14 (a) All moneys collected or received by the department from nursing fa-
15 cility assessments required pursuant to this chapter;

16 (b) All federal matching funds received by the department as a result
17 of expenditures made by the department that are attributable to moneys
18 deposited in the fund;

19 (c) Any interest or penalties levied in conjunction with the adminis-
20 tration of this chapter; and

21 (d) Any appropriations, federal funds, donations, gifts or moneys from
22 any other sources.

23 (3) The fund is created for the purpose of receiving moneys in accor-
24 dance with this section ~~and section 56-1511, Idaho Code~~. Collected assess-
25 ment funds shall be used to secure federal matching funds available through
26 the state medicaid plan, which funds shall be used to make medicaid payments
27 for nursing facility services that equal or exceed the amount of nursing fa-
28 cility medicaid rates, in the aggregate, as calculated in accordance with
29 the approved state medicaid plan in effect on June 30, 2009. The fund shall
30 be used exclusively for the following purposes:

31 (a) To pay administrative expenses incurred by the department or its
32 agent in performing the activities authorized pursuant to this chapter,
33 provided that such expenses shall not exceed a total of one percent (1%)
34 of the aggregate assessment funds collected for the prior fiscal year.

35 (b) To reimburse the medicaid share of the assessment in accordance
36 with IDAPA 16.03.10.264.

37 (c) To provide financial incentives for nursing facilities to improve
38 quality to be implemented as value-based purchasing payments in state
39 fiscal year 2021 based on performance data from the prior state fiscal
40 year, ~~in accordance with section 56-1511, Idaho Code~~.

41 (d) To increase nursing facility payments to fund covered services to
42 medicaid beneficiaries within medicare upper payment limits, as nego-
43 tiated with the department.

44 (e) To repay the federal government any excess payments made to nursing
45 facilities if the state plan, once approved by CMS, is subsequently dis-
46 approved for any reason, and after the state has appealed the findings.
47 Nursing facilities shall refund the excess payments in question to the
48 assessment fund. The state, in turn, shall return funds to both the

1 federal government and nursing facility providers in the same propor-
 2 tion as the original financing. Individual nursing facilities shall be
 3 reimbursed based on the proportion of the individual nursing facility's
 4 assessment to the total assessment paid by nursing facilities. If a
 5 nursing facility is unable to refund payments, the state shall develop
 6 a payment plan and deduct moneys from future medicaid payments. The
 7 state will refund the federal government for the federal share of these
 8 overpayments.

9 ~~(f) To make refunds to nursing facilities pursuant to section 56-1507,~~
 10 ~~Idaho Code.~~

11 SECTION 71. That Section 56-1505, Idaho Code, be, and the same is hereby
 12 amended to read as follows:

13 56-1505. NURSING FACILITY ASSESSMENTS. (1) Nursing facilities shall
 14 pay the nursing facility assessment to the fund in accordance with the provi-
 15 sions of this chapter, with the exception of state and county-owned facili-
 16 ties, which are not required to contribute.

17 (2) The aggregated amount of assessments for all nursing facilities,
 18 during a fiscal year, shall be an amount not exceeding the maximum percentage
 19 allowed under federal law of the total aggregate net patient service revenue
 20 of assessed facilities from each provider's prior fiscal year. The depart-
 21 ment shall determine the assessment rate prospectively for the applicable
 22 fiscal year on a per-resident-day basis, exclusive of medicare part A resi-
 23 dent days. The per-resident-day assessment rate shall be uniform. The de-
 24 partment shall notify nursing facilities of the assessment rate applicable
 25 to the fiscal year by August 30 of that fiscal year.

26 (3) The department shall collect, and each nursing facility shall pay,
 27 the nursing facility assessment on an annual basis subject to the terms of
 28 this subsection. The nursing facility assessment shall be due annually,
 29 with the initial payment due within sixty (60) days after the state plan has
 30 been approved by CMS. Subsequent annual payments are due no later than thirty
 31 (30) days after receipt of the department invoice.

32 (4) Nursing facilities may increase their charges to other payers to
 33 incorporate the assessment but shall not create a separate line-item charge
 34 on the bill reflecting the assessment.

35 ~~(5) (a) For state fiscal years 2020 and 2021, the department shall ad-~~
 36 ~~just assessments and payments for privately owned nursing facilities as~~
 37 ~~follows. The department shall:~~

38 ~~(i) Increase nursing facility assessments by an amount adequate~~
 39 ~~to reduce state general fund needs by one million seven hundred~~
 40 ~~eighty-six thousand dollars (\$1,786,000) in state fiscal year~~
 41 ~~2020 and five million dollars (\$5,000,000) in state fiscal year~~
 42 ~~2021; and~~

43 ~~(ii) Support provider rate adjustments that will offset the med-~~
 44 ~~icaid share of the assessment increase.~~

45 ~~(b) The department shall work with nursing facility providers to col-~~
 46 ~~lect the increased assessments on a schedule to support state budget~~
 47 ~~needs and provider rate adjustments.~~

1 ~~(c) Provider rate adjustments for state fiscal years 2020 and 2021~~
2 ~~shall not be considered or carried forward for payments established~~
3 ~~under section 56-116, Idaho Code.~~

4 SECTION 72. That Section [56-1506](#), Idaho Code, be, and the same is hereby
5 repealed.

6 SECTION 73. That Section [56-1507](#), Idaho Code, be, and the same is hereby
7 repealed.

8 SECTION 74. That Section [56-1508](#), Idaho Code, be, and the same is hereby
9 repealed.

10 SECTION 75. That Section [56-1510](#), Idaho Code, be, and the same is hereby
11 repealed.

12 SECTION 76. That Section [56-1511](#), Idaho Code, be, and the same is hereby
13 repealed.

14 SECTION 77. That Section 56-1603, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 56-1603. INTERMEDIATE CARE FACILITY ASSESSMENT FUND. (1) There is
17 hereby created in the office of the state treasurer a dedicated fund to be
18 known as the ICF assessment fund to be administered by the department. The
19 state treasurer shall invest idle moneys in the fund, and any interest re-
20 ceived on those investments shall be returned to the fund.

21 (2) Moneys in the fund shall consist of:

22 (a) All moneys collected or received by the department from ICF assess-
23 ments required pursuant to this chapter;

24 (b) All federal matching funds received by the department as a result
25 of expenditures made by the department that are attributable to moneys
26 deposited in the fund;

27 (c) Any interest or penalties levied in conjunction with the adminis-
28 tration of this chapter; and

29 (d) Any appropriation or federal funds.

30 (3) The fund is created for the purpose of receiving moneys in accor-
31 dance with the provisions of this section and section 56-1604, Idaho Code.
32 The fund shall not be used to replace any moneys appropriated to the Idaho
33 medical assistance program by the legislature. Moneys in the fund, which
34 are deemed to be perpetually appropriated, shall be used exclusively for the
35 following purposes:

36 (a) To pay administrative expenses incurred by the department or its
37 agent in performing the activities authorized pursuant to this chapter,
38 provided that such expenses shall not exceed a total of one percent (1%)
39 of the aggregate assessment funds collected for the prior fiscal year.

40 (b) To reimburse the medicaid share of the assessment as a pass-
41 through.

42 (c) To secure federal matching funds available through the state med-
43 icaid plan, which funds shall be used to make medicaid payments for ICF
44 services that equal or exceed the amount of ICF medicaid rates, in the

1 aggregate, as calculated in accordance with the approved state medicaid
2 plan in effect on July 1, 2011.

3 (d) To increase ICF payments to fund covered services to medicaid bene-
4 ficiaries within medicare upper payment limits.

5 (e) To make refunds to ICFs ~~pursuant to section 56-1607, Idaho Code~~. If
6 an ICF is unable to refund payments, the state shall develop a payment
7 plan and deduct moneys from future medicaid payments. The state will
8 refund the federal government for the federal share of these overpay-
9 ments.

10 (f) To make transfers to any other fund in the state treasury, provided
11 such transfers shall not exceed the amount transferred previously from
12 that other fund into the ICF assessment fund.

13 SECTION 78. That Section [56-1605](#), Idaho Code, be, and the same is hereby
14 repealed.

15 SECTION 79. That Section [56-1606](#), Idaho Code, be, and the same is hereby
16 repealed.

17 SECTION 80. That Section [56-1607](#), Idaho Code, be, and the same is hereby
18 repealed.

19 SECTION 81. That Section [56-1609](#), Idaho Code, be, and the same is hereby
20 repealed.

21 SECTION 82. That Section [56-1610](#), Idaho Code, be, and the same is hereby
22 repealed.

23 SECTION 83. That Section [66-409](#), Idaho Code, be, and the same is hereby
24 repealed.

25 SECTION 84. That Section [66-415](#), Idaho Code, be, and the same is hereby
26 repealed.

27 SECTION 85. That Section [66-416](#), Idaho Code, be, and the same is hereby
28 repealed.

29 SECTION 86. That Section [66-417](#), Idaho Code, be, and the same is hereby
30 repealed.

31 SECTION 87. That Chapter 14, Title 66, Idaho Code, be, and the same is
32 hereby repealed.

33 SECTION 88. That Chapter 31, Title 67, Idaho Code, be, and the same is
34 hereby repealed.

35 SECTION 89. That Chapter 34, Title 67, Idaho Code, be, and the same is
36 hereby repealed.

37 SECTION 90. That Section [67-6905](#), Idaho Code, be, and the same is hereby
38 repealed.

1 SECTION 91. That Section 18-217, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 18-217. MENTAL HEALTH RECORDS OF OFFENDERS. (1) For purposes of care,
4 treatment or normal health care operations, records of mental health evalu-
5 ation, care and treatment shall be provided upon request to and from the men-
6 tal health professionals of a governmental entity and another entity provid-
7 ing care or treatment for any person who is:

8 (a) Under court commitment to a state agency pursuant to section
9 18-212(4), Idaho Code;

10 (b) A pretrial detainee;

11 (c) Awaiting sentencing;

12 (d) In the care, custody or supervision of any correctional facility as
13 defined in section 18-101A, Idaho Code;

14 (e) On probation or parole;

15 (f) Being supervised as part of a drug court, mental health court, juve-
16 nile detention program, work release program, or similar court program;
17 or

18 (g) Applying for mental health services after release from a correc-
19 tional facility.

20 (2) No court order or authorization from the offender to transfer the
21 records shall be required except for records ~~of substance abuse treatment as~~
22 ~~provided by pursuant to 42 CFR part 2, and sections 37-3102 and 39-308, Idaho~~
23 ~~Code.~~

24 SECTION 92. That Section 31-874, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 31-874. PROCEEDINGS AND RECORDS OF MEDICAL INDIGENTS. All proceed-
27 ings and records related to medical indigency pursuant to the provisions of
28 ~~section 31-873, Idaho Code, and chapters 34 and 35, title 31, Idaho Code,~~
29 shall be subject to disclosure according to chapter 1, title 74, Idaho Code,
30 and shall not be subject to the provisions of chapter 2, title 74, Idaho Code.

31 SECTION 93. That Section 39-605, Idaho Code, be, and the same is hereby
32 amended to read as follows:

33 39-605. RULES FOR CARRYING OUT LAW. The state board of health and
34 welfare is hereby empowered and directed to make such rules as shall, in
35 its judgment, be necessary for the carrying out of the provisions of this
36 chapter, including rules providing for the control and treatment of per-
37 sons isolated or quarantined ~~under the provisions of section 39-603, Idaho~~
38 ~~Code,~~ and such other rules, not in conflict with provisions of this chap-
39 ter, concerning the control of venereal diseases, and concerning the care,
40 treatment and quarantine of persons infected therewith, as it may from time
41 to time deem advisable. All such rules so made shall be of force and binding
42 upon all county and municipal health officers and other persons affected by
43 this chapter, and shall have the force and effect of law. Such rules may be
44 amended from time to time by the state board of health and welfare. All rules
45 must be entered on the minutes of the state board of health and welfare and
46 copies shall be furnished to all county and municipal health officers and to

1 anyone else who may apply for same. Such rules shall be adopted and become
2 effective in accordance with the provisions of chapter 52, title 67, Idaho
3 Code.

4 SECTION 94. That Section 39-610, Idaho Code, be, and the same is hereby
5 amended to read as follows:

6 39-610. DISCLOSURE OF HIV AND HBV REPORTING INFORMATION. ~~(1) Confiden-~~
7 ~~tial public health record as described in section 39-606, Idaho Code,~~
8 ~~shall be subject to disclosure according to chapter 1, title 74, Idaho Code,~~
9 ~~shall not be discoverable, and shall not be compelled to be produced in any~~
10 ~~civil or administrative hearing.~~

11 ~~(2)~~ (1) State or local health authorities may contact and advise those
12 persons who, in the judgment of health authorities, have been exposed to the
13 HIV (human immunodeficiency virus) or hepatitis B (HBV) infections.

14 ~~(3)~~ (2) The department of health and welfare shall, in a manner estab-
15 lished by rules and regulations, accept from persons involved in providing
16 emergency or medical services reports of significant exposures to the blood
17 or body fluids of a patient or deceased person. The department of health and
18 welfare shall promulgate rules and regulations defining the term "signifi-
19 cant exposure" as used in this section. Upon receipt of a report made pur-
20 suant to section 39-602, Idaho Code, confirming the presence of HIV or HBV
21 virus in a patient or a deceased person, the director of the department of
22 health and welfare, or his designee, shall immediately contact and advise
23 any and all persons who, on the basis of information then or thereafter re-
24 ported to the department, have had a significant exposure to the blood or
25 body fluids of that infected patient or deceased person. The significantly
26 exposed person shall be informed only that he may have been exposed to HIV or
27 HBV, as the case may be, and thereafter advised of whatever prophylactic and
28 testing procedures are appropriate. The significantly exposed person shall
29 not be informed of the name of the infected patient or deceased person. Addi-
30 tionally, the department of health and welfare shall, to the greatest extent
31 consistent with public health requirements, maintain the confidentiality of
32 the identity of the significantly exposed person.

33 ~~(4)~~ (3) Public health authorities may disclose personally identifying
34 information in public health records, ~~as described in section 39-606, Idaho~~
35 ~~Code,~~ to other local or state public health agencies when the confidential
36 information is necessary to carry out the duties of the agency in the inves-
37 tigation, control and surveillance of disease, as determined by the state
38 board of health and welfare, or as otherwise authorized by law.

39 ~~(5)~~ (4) Nothing in this chapter imposes liability or criminal sanction
40 for disclosure or nondisclosure of the results of a blood test to detect HIV
41 or HBV virus in accordance with any reporting requirements of the department
42 of health and welfare.

43 SECTION 95. That Section 39-1219, Idaho Code, be, and the same is hereby
44 amended to read as follows:

45 39-1219. APPEAL FROM DECISION OF DIRECTOR. If an applicant or licensee
46 feels aggrieved by a decision rendered as a result of a hearing, as provided
47 in section 39-1218, Idaho Code, appeal may be taken to the district court of

1 the county in which the group or foster home, facility, program or agency is
2 located, in the manner and form as provided in ~~section 39-1212~~, chapter 52,
3 title 67, Idaho Code, provided, however, the filing of notice of appeal shall
4 not, unless otherwise ordered, stay the proceedings of the director.

5 SECTION 96. That Section 39-1302, Idaho Code, be, and the same is hereby
6 amended to read as follows:

7 39-1302. PURPOSE. The purpose of sections 39-1301--~~39-1314~~ through
8 39-1313, Idaho Code, is to provide for the development, establishment and
9 enforcement of standards (1) for the care and treatment of individuals in
10 facilities or by agencies as defined, and (2) for the construction, mainte-
11 nance and operation of facilities or agencies as defined which, in the light
12 of advancing knowledge, will promote safe and adequate treatment of such
13 individuals in facilities or by agencies as defined.

14 SECTION 97. That Section 39-1303, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 39-1303. LICENSURE. After January 1, 1948, no person or governmental
17 unit, acting severally or jointly with any other person or governmental
18 unit shall establish, conduct or maintain a facility or agency, as defined,
19 in this state without a license under sections 39-1301--~~39-1314~~ through
20 39-1313, Idaho Code.

21 SECTION 98. That Section 39-1308, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 39-1308. EFFECTIVE DATE OF REGULATIONS. Any facility or agency as de-
24 fined, which is in operation at the time of promulgation of any applicable
25 rules or regulations or minimum standards under sections 39-1301--~~39-1314~~
26 through 39-1313, Idaho Code, shall be given a reasonable time, not to exceed
27 two (2) years from the date of such promulgation, within which to comply with
28 such rules and regulations and minimum standards, except for those condi-
29 tions which present an imminent hazard to the health and safety of patients
30 housed therein.

31 SECTION 99. That Section 39-1312, Idaho Code, be, and the same is hereby
32 amended to read as follows:

33 39-1312. PENALTY FOR OPERATING A FACILITY OR AGENCY WITHOUT LI-
34 CENSE. (1) Any person establishing, conducting, managing, or operating
35 any facility or agency as defined, without a license under sections
36 39-1301--~~39-1314~~ through 39-1313, Idaho Code, shall be guilty of a misde-
37 meanor punishable by imprisonment in a county jail for a period of time not
38 exceeding six (6) months, or by a fine not exceeding three hundred dollars
39 (\$300), or by both, and each day of continuing violations shall constitute
40 a separate offense.

41 (2) In the event that the county attorney in the county where the al-
42 leged violation occurred fails or refuses to act within sixty (60) days of

1 notification of the violation, the attorney general is authorized to prose-
2 cute violations under this act.

3 SECTION 100. That Section 39-1313, Idaho Code, be, and the same is
4 hereby amended to read as follows:

5 39-1313. INJUNCTION TO PREVENT OPERATION WITHOUT LICENSE. (1)
6 Notwithstanding the existence or pursuit of any other remedy, the licensing
7 agency may in the manner provided by law maintain an action in the name of
8 the state for injunction or other process against any person or governmental
9 unit to restrain or prevent the establishment, conduct, management or oper-
10 ation of a facility or agency as defined, without a license under sections
11 39-1301--~~39-1314~~ through 39-1313, Idaho Code.

12 (2) The licensing agency shall be represented by the county prosecutor
13 of the county in which the violation occurs or by the office of the attorney
14 general.

15 SECTION 101. That Section 39-1392a, Idaho Code, be, and the same is
16 hereby amended to read as follows:

17 39-1392a. DEFINITIONS. The following terms shall have the following
18 meanings when used in this section:

19 (1) "Emergency medical services personnel" means emergency medical
20 services providers certified by the department of health and welfare pur-
21 suant to section 56-1011 et seq., Idaho Code, and ambulance-based clinicians
22 as defined in the rules governing emergency medical services as promulgated
23 by the department of health and welfare.

24 (2) "Group medical practice" means a partnership, corporation, limited
25 liability company, or other association formed for the purpose of offering
26 health care services through physicians and other licensed or otherwise au-
27 thorized health care providers who are partners, shareholders, members, em-
28 ployees, or contractors of such group medical practice.

29 (3) "Health care organization" means a hospital, in-hospital medical
30 staff committee, medical society, managed care organization, licensed emer-
31 gency medical service, group medical practice, residential care facility or
32 skilled nursing facility.

33 (4) "Hospital" means a facility in Idaho licensed under sections
34 39-1301 through ~~39-1314~~ 39-1313, Idaho Code, and defined in section
35 39-1301(a) (1), Idaho Code.

36 (5) "In-hospital medical staff committees" means any individual doctor
37 who is a hospital staff member, or any hospital employee, or any group of such
38 doctors and/or hospital employees, who are duly designated a committee by
39 hospital staff bylaws, by action of an organized hospital staff, or by action
40 of the board of directors of a hospital, and which committee is authorized
41 by said bylaws, staff or board of directors, to conduct research or study of
42 hospital patient cases, or of medical questions or problems using data and
43 information from hospital patient cases.

44 (6) "Licensed emergency medical service" means an ambulance service or
45 a nontransport service licensed by the department of health and welfare pur-
46 suant to section 56-1011 et seq., Idaho Code.

1 (7) "Managed care organization" means a public or private person or or-
2 ganization which offers a managed care plan.

3 (8) "Managed care plan" means a contract of coverage given to an indi-
4 vidual, family or group of covered individuals pursuant to which a member is
5 entitled to receive a defined set of health care benefits through an orga-
6 nized system of health care providers in exchange for defined consideration
7 and which requires the member to use, or creates financial incentives for the
8 member to use, health care providers owned, managed, employed by or under
9 contract with the managed care organization.

10 (9) "Medical society" means any duly constituted, authorized and rec-
11 ognized professional society or entity made up of physicians licensed to
12 practice medicine in Idaho, having as its purpose the maintenance of high
13 quality in the standards of health care provided in Idaho or any region or
14 segment of the state, operating with the approval of the Idaho state board
15 of medicine, or any official committee appointed by the Idaho state board of
16 medicine.

17 (10) "Patient care records" means written or otherwise recorded, pre-
18 served and maintained records of the medical or surgical diagnostic, clini-
19 cal, or therapeutic care of any patient treated by or under the direction of
20 licensed professional personnel, including emergency medical services per-
21 sonnel, in every health care organization subject to this act, whether as an
22 inpatient or outpatient of the health care organization.

23 (11) "Peer review" means the collection, interpretation and analysis of
24 data by a health care organization for the purpose of bettering the system
25 of delivery of health care or to improve the provision of health care or to
26 otherwise reduce patient morbidity and mortality and improve the quality of
27 patient care. Peer review activities by a health care organization include,
28 without limitation:

29 (a) Credentialing, privileging or affiliating of health care providers
30 as members of, or providers for, a health care organization;

31 (b) Quality assurance and improvement, patient safety investigations
32 and analysis, patient adverse outcome reviews, and root-cause analysis
33 and investigation activities by a health care organization; and

34 (c) Professional review action, meaning an action or recommendation
35 of a health care organization which is taken or made in the conduct of
36 peer review, that is based on the competence or professional conduct of
37 an individual physician or emergency medical services personnel where
38 such conduct adversely affects or could adversely affect the health
39 or welfare of a patient or the physician's privileges, employment or
40 membership in the health care organization or in the case of emergency
41 medical services personnel, the emergency medical services personnel's
42 scope of practice, employment or membership in the health care organ-
43 ization.

44 (12) "Peer review records" means all evidence of interviews, reports,
45 statements, minutes, memoranda, notes, investigative graphs and compila-
46 tions and the contents thereof, and all physical materials relating to peer
47 review of any health care organization. "Peer review records" does not mean
48 or include patient care records; provided however, that the records relating
49 to the identification of which particular patient care records were selected
50 for, or reviewed, examined or discussed in peer review by a health care or-

1 organization and the methodology used for selecting such records shall be con-
2 sidered peer review records.

3 (13) "Skilled nursing facility" means a facility licensed under chapter
4 13, title 39, Idaho Code, to provide skilled care to recipients.

5 SECTION 102. That Section 39-2411, Idaho Code, be, and the same is
6 hereby amended to read as follows:

7 39-2411. PERSONS, ACTIVITIES OR ENTITIES NOT SUBJECT TO REGULATION
8 UNDER THIS CHAPTER. The following are not subject to regulation for the pur-
9 poses of this chapter:

10 (1) A family member;

11 (2) An organization that provides only meal service in a person's resi-
12 dence;

13 (3) Entities furnishing durable medical equipment that does not in-
14 involve the delivery of professional services beyond those necessary to set up
15 and monitor the proper functioning of the equipment and educate the user on
16 its proper use;

17 (4) A professional licensed person who independently provides services
18 in the home;

19 (5) An employee or volunteer of an agency who provides nonprofessional
20 services only as an employee or volunteer;

21 (6) Facilities and institutions including, but not limited to, nursing
22 homes, hospitals, boarding homes, developmental disability residential
23 programs, or other facilities and institutions, only when providing ser-
24 vices to persons residing within the facility or institution if the delivery
25 of the services is regulated by the state;

26 (7) Nursing homes, hospitals, or other institutions, agencies, orga-
27 nizations, or persons that contract with licensed home health, hospice, or
28 home care agencies for the delivery of services;

29 (8) In-home assessments by licensed professionals of an ill, disabled,
30 or infirm person's ability to adapt to the home environment that does not re-
31 sult in regular ongoing care at home by that licensed professional;

32 (9) Services conducted by and for the adherents of a church or religious
33 denomination that rely upon spiritual means alone through prayer for healing
34 in accordance with the tenets' beliefs genuinely held by such adherents;

35 (10) A medicare approved dialysis center operating a medicare approved
36 home dialysis program;

37 (11) Case management services which do not include the direct delivery
38 of home health, hospice, or home care services;

39 (12) A medicare certified hospice agency; and

40 (13) A state authorized personal assistance agency or personal assis-
41 tant as defined in chapter 56, title 39, Idaho Code.

42 SECTION 103. That Section 39-3303, Idaho Code, be, and the same is
43 hereby amended to read as follows:

44 39-3303. PAYMENT LEVELS.

45 (1) (a) Clients of the department who are receiving financial aid as
46 set out in sections 56-207, and 56-208 and ~~56-209a~~, Idaho Code, seek-
47 ing placement in a residential care or assisted living facility will be

1 assessed by the department regarding their need for specific types of
2 services and supports. This assessment will determine the reimburse-
3 ment rate to the service provider.

4 (b) Eligible participants must be allowed to choose the facility or
5 services that are appropriate to meet their medical needs and financial
6 ability to pay. The department shall promulgate rules outlining the
7 payment policy and calculations for clients of the department through
8 negotiated rulemaking.

9 (2) Residents who are not clients of the department shall:

10 (a) Be assessed by the facility regarding their need for specific types
11 of services and supports. This assessment, and the individual negoti-
12 ated service agreement, shall determine the rate charged to the resi-
13 dent.

14 (b) Receive a full description of services provided by the facility and
15 associated costs upon admission, according to facility policies and
16 procedures. A thirty (30) day notice must be provided prior to a change
17 in facility billing practices or policies. Billing practices shall be
18 transparent and understandable.

19 (c) Be charged for the use of furnishings, equipment, supplies and ba-
20 sic services as agreed upon in the negotiated service agreement or as
21 identified in the admission agreement.

22 SECTION 104. That Section 54-1704, Idaho Code, be, and the same is
23 hereby amended to read as follows:

24 54-1704. DEFINITIONS. In this chapter:

25 (1) "Accredited school or college of pharmacy" means a school or col-
26 lege that meets the minimum standards of the accreditation council for phar-
27 macy education and appears on its list of accredited schools or colleges of
28 pharmacy.

29 (2) "Board of pharmacy" or "board" means the Idaho state board of phar-
30 macy.

31 (3) "Certificate" means a license or registration issued by the board
32 unless specifically stated.

33 (4) "Chain pharmacy warehouse" means a physical location for prescrip-
34 tion drugs that acts as a central warehouse and performs intracompany sales
35 or transfers of such drugs to a group of chain pharmacies that have the same
36 common ownership and control.

37 (5) "Colicensed partner or product" means an instance where two (2) or
38 more parties have the right to engage in the manufacturing or marketing of
39 a prescription drug, consistent with the federal food and drug administra-
40 tion's implementation of the prescription drug marketing act.

41 (6) "Collaborative pharmacy practice" means a pharmacy practice where
42 one (1) or more pharmacists or pharmacies jointly agree to work under a pro-
43 tocol authorized by one (1) or more prescribers to provide patient care and
44 drug therapy management services not otherwise permitted to be performed by
45 a pharmacist under specified conditions.

46 (7) "Compounding" means the practice in which a pharmacist, a pre-
47 scriber, or, in the case of an outsourcing facility, a person under the
48 supervision of a pharmacist combines, mixes or alters ingredients of a drug
49 to create a medication tailored to the needs of an individual patient.

1 (8) "Counseling" or "counsel" means the effective communication by
2 the pharmacist of information, as set out in this chapter, to the patient or
3 caregiver in order to improve therapeutic outcomes by maximizing proper use
4 of prescription drugs and devices.

5 (9) "Deliver" or "delivery" means the actual, constructive or at-
6 tempted transfer of a drug or device from one person to another, whether or
7 not for a consideration.

8 (10) "Device" means an instrument, apparatus, implement, machine, con-
9 trivance, implant, in vitro reagent or other similar related article, in-
10 cluding any component part or accessory that is:

11 (a) Recognized in the official United States Pharmacopoeia or official
12 National Formulary, other drug compendia or any supplement to them;

13 (b) Intended for use in the diagnosis of disease or other conditions or
14 the cure, mitigation, treatment or prevention of disease in man or other
15 animal;

16 (c) Intended to affect the structure or any function of the body of man
17 or other animal, does not achieve any of its principal intended purposes
18 through chemical action within or on the body of man or other animal, and
19 is not dependent upon being metabolized for the achievement of any of
20 its principal intended purposes.

21 (11) "Dispense" or "dispensing" means the preparation and delivery of
22 a drug pursuant to a lawful prescription drug order of a practitioner in a
23 suitable container appropriately labeled for subsequent administration to
24 or use by a patient or other individual entitled to receive the prescription.

25 (12) "Distribute" means the delivery of a drug other than by administer-
26 ing or dispensing.

27 (13) "Distributor" means a supplier of drugs manufactured, produced, or
28 prepared by others to persons other than the ultimate consumer.

29 (14) "Donation repository" means:

30 (a) A community health center as ~~defined in section 39-3203, Idaho~~
31 ~~Code;~~

32 (b) A free medical clinic as defined in section 39-7702, Idaho Code;

33 (c) A designated regional behavioral health center as described in
34 chapter 31, title 39, Idaho Code;

35 (d) A state charitable institution as described in chapter 1, title 66,
36 Idaho Code; or

37 (e) A drug outlet as defined in this section.

38 (15) "Drug" means:

39 (a) Articles recognized as drugs in the official United States Phar-
40 macopoeia, official National Formulary, official Homeopathic Pharma-
41 copoeia, other drug compendia or any supplement to any of them;

42 (b) Articles intended for use in the diagnosis, cure, mitigation,
43 treatment or prevention of disease in man or other animal;

44 (c) Articles, other than food, intended to affect the structure or any
45 function of the body of man or other animal; and

46 (d) Articles intended for use as a component of any articles specified
47 in paragraph (a), (b) or (c) of this subsection.

48 (16) "Drug outlet" means a resident or nonresident pharmacy, business
49 entity or other facility subject to registration by the board, pursuant to
50 section 54-1729, Idaho Code, where employees or personnel are engaged in the

1 practice of pharmacy, in the provision of pharmaceutical care, or in the dis-
2 pensing, delivering, distributing or manufacturing of drugs or devices in or
3 into Idaho.

4 (17) "Drug therapy management" means selecting, initiating, or modify-
5 ing drug treatment pursuant to a collaborative pharmacy practice agreement.

6 (18) "Epinephrine auto-injector" means a single-use device for the au-
7 tomatic injection of a premeasured dose of epinephrine into the human body.

8 (19) "Institutional drug order" means a prescription drug order issued
9 in the unique form and manner permitted for a patient or resident of an in-
10 stitutional facility or as permitted for other purposes as defined in rule.
11 Unless specifically differentiated, state law applicable to a prescription
12 drug order is also applicable to an institutional drug order.

13 (20) "Institutional facility" means a facility whose primary purpose is
14 to provide a physical environment for patients to obtain health care ser-
15 vices and in which patients spend a majority of their time, as may be further
16 defined by board rule.

17 (21) "Internship" means a practical experience program under the super-
18 vision of a preceptor.

19 (22) "Investigational or new drug" means any drug limited by state or
20 federal law to use under professional supervision of a practitioner autho-
21 rized by law to prescribe or administer such drug.

22 (23) "Labeling" means the process of preparing and affixing a label to
23 any drug container, exclusive however of the labeling by a manufacturer,
24 packer or distributor of a nonprescription drug or commercially packaged
25 legend drug or device. Any such label shall include all information required
26 by federal and state law.

27 (24) "Manufacture" means the production, preparation, propagation,
28 compounding, conversion or processing of a device or a drug, either directly
29 or indirectly by extraction from substances of natural origin or indepen-
30 dently by means of chemical synthesis or by a combination of extraction and
31 chemical synthesis, and includes any packaging or repackaging of the sub-
32 stance or labeling or relabeling of its container, except that this term does
33 not include the preparation or compounding of a drug by an individual for his
34 own use or the preparation, compounding, packaging or labeling of a drug:

35 (a) By a pharmacist or practitioner as an incident to his administer-
36 ing, dispensing or, as authorized by board rule, distributing of a drug
37 in the course of his professional practice; or

38 (b) By a practitioner or by his authorization under his supervision
39 for the purpose of or as an incident to research, teaching, or chemical
40 analysis and not for sale.

41 (25) "Manufacturer" means a person who is licensed or approved by the
42 federal food and drug administration to engage in the manufacture of drugs,
43 including a colicensed partner or affiliate of that person, who compounds,
44 cultivates, derives, harvests, mixes, or by other process produces or pre-
45 pares legend drugs and includes persons who prepare such drugs in dosage
46 forms by mixing, compounding, encapsulating, entableting, or other process,
47 or who packages or repackages such drugs, but does not include pharmacists or
48 practitioners in the practice of their profession.

49 (26) "Medically indigent patient" means a resident of Idaho who:

50 (a) Is not eligible for medicaid or medicare;

1 (b) Cannot afford private prescription drug insurance; or

2 (c) Does not have income and other resources available sufficient to
3 pay for a legend drug.

4 (27) "Multistate license" means a license, registration, or other cre-
5 dential for the practice of pharmacy issued by the pharmacy licensing agency
6 of a state.

7 (28) "Multistate licensee" means a multistate pharmacist, multistate
8 pharmacist intern, or multistate technician.

9 (29) "Multistate pharmacist" means a nonresident pharmacist who is li-
10 censed by a party state and is not otherwise licensed by the board.

11 (30) "Multistate pharmacist intern" means a nonresident pharmacist in-
12 tern who is registered by a party state and is not otherwise licensed by the
13 board.

14 (31) "Multistate practice of pharmacy" means the practice of pharmacy
15 in or into Idaho for a patient located in Idaho by a multistate licensee pur-
16 suant to the requirements of this section and the terms of a mutual recogni-
17 tion agreement.

18 (32) "Multistate technician" means a nonresident technician who is li-
19 censed by a party state and is not otherwise registered by the board.

20 (33) "Mutual recognition agreement" means a written agreement entered
21 into between the board and a party state allowing for the multistate prac-
22 tice of pharmacy, subject to the requirements of this section and any other
23 reasonable and supplemental contract terms negotiated by the board and the
24 party state.

25 (34) "Nonprescription drugs" means medicines or drugs that may be sold
26 without a prescription drug order and that are prepackaged for use by the
27 consumer and labeled in accordance with state and federal law.

28 (35) "Nonresident" means a person or business entity located in the Dis-
29 trict of Columbia or a state or territory other than Idaho that practices
30 pharmacy including, but not limited to, pharmaceutical care services into
31 Idaho.

32 (36) "Off-site pharmacy services" means services provided by a central
33 drug outlet or an off-site pharmacist or technician. Services may include,
34 but are not limited to: processing a request from another pharmacy to fill,
35 refill or dispense a prescription drug order; performance of processing
36 functions; or providing cognitive or pharmaceutical care services. Each
37 function may be performed by the same or different persons and at the same or
38 different locations.

39 (37) "Opioid antagonist" means naloxone hydrochloride or any other sim-
40 ilarly acting and equally safe drug approved by the federal food and drug ad-
41 ministration for the treatment of drug overdose.

42 (38) "Outsourcing facility" means a pharmacy or facility that is regis-
43 tered by the federal food and drug administration pursuant to 21 U.S.C. 353b
44 and either registered or endorsed by the board.

45 (39) "Party state" means any pharmacy licensing agency of a state that
46 has entered into a mutual recognition agreement with the board.

47 (40) "Person" means an individual, corporation, partnership, associa-
48 tion or any other legal entity.

49 (41) "Person in charge" or "PIC" means a person whose qualifications,
50 responsibilities, and reporting requirements are defined in rule.

1 (42) "Pharmaceutical care" means drug therapy and other pharmaceutical
2 patient care services intended to achieve outcomes related to the cure or
3 prevention of a disease, elimination or reduction of a patient's symptoms,
4 or arresting or slowing of a disease process as defined in the rules of the
5 board.

6 (43) "Pharmacist" means an individual licensed by this state to engage
7 in the practice of pharmacy or a pharmacist registered by this state who is
8 located in another state, territory or the District of Columbia and is en-
9 gaged in the practice of pharmacy into Idaho, unless exempted.

10 (44) "Pharmacist intern" means a person who is enrolled in or who has
11 completed a course of study at an accredited school or college of pharmacy
12 and is registered with the board as a pharmacist intern prior to commencement
13 of an internship.

14 (45) "Pharmacy" means any drug outlet, facility, department, or other
15 place where prescription drug orders are filled or compounded and where
16 prescriptions are sold, dispensed, offered, or displayed for sale and that
17 has, as its principal purpose, the dispensing of drug and health supplies
18 intended for the general health, welfare, and safety of the public.

19 (46) "Practice of pharmacy" means the safe interpretation, evaluation,
20 compounding, administration, and dispensing of prescription drug orders,
21 patient counseling, collaborative pharmacy practice, provision of pharma-
22 ceutical care services, proper storage of drugs and devices, and prescribing
23 of drugs and devices as may be further defined in this chapter.

24 (47) "Practitioner" means a person licensed in this state and permitted
25 by such license to dispense, conduct research with respect to or administer
26 drugs in the course of professional practice or research in this state.

27 (48) "Preceptor" means a pharmacist or other health professional li-
28 censed and in good standing who supervises the internship training of a
29 registered pharmacist intern.

30 (49) "Precursor" means a substance, other than a legend drug, that is an
31 immediate chemical intermediate that can be processed or synthesized into a
32 legend drug and is used or produced primarily for use in the manufacture of a
33 legend drug.

34 (50) "Prepackaging" means the act of transferring a drug, manually or
35 using an automated system, from a manufacturer's original container to an-
36 other container prior to receiving a prescription drug order.

37 (51) "Prescriber" means an individual currently licensed, registered
38 or otherwise authorized to prescribe and administer drugs in the course of
39 professional practice.

40 (52) "Prescriber drug outlet" means a drug outlet in which prescription
41 drugs or devices are dispensed directly to patients under the supervision of
42 a prescriber, except where delivery is accomplished only through on-site ad-
43 ministration or the provision of drug samples, patient assistance program
44 drugs, or investigational drugs as permitted in chapter 94, title 39, Idaho
45 Code.

46 (53) "Prescription drug or legend drug" means a drug that under federal
47 law is required, prior to being dispensed or delivered, to be labeled with
48 one (1) of the following statements:

49 (a) "Caution: Federal law prohibits dispensing without a prescrip-
50 tion"; or

- 1 (b) "Rx Only"; or
2 (c) "Caution: Federal law restricts this drug to use by or on the order
3 of a licensed veterinarian";
4 or a drug that is required by any applicable federal or state law or rule to be
5 dispensed on prescription drug order only or is restricted to use by practi-
6 tioners only.
- 7 (54) "Prescription drug order" means a valid order of a prescriber for a
8 drug or device for an ultimate user of the drug or device.
- 9 (55) "Primary state of residence" means the multistate licensee's de-
10 clared primary state of residence as evidenced by a valid state or federal
11 identification card with a home address or another form of identification
12 accepted by the board.
- 13 (56) "Prospective drug review" includes, but is not limited to, the fol-
14 lowing activities:
- 15 (a) Evaluation of the prescription drug order for known allergies, ra-
16 tional therapy contraindications, reasonable dose and route of admin-
17 istration, and reasonable directions for use;
- 18 (b) Evaluation of the prescription drug order for duplication of ther-
19 apy;
- 20 (c) Evaluation of the prescription drug order for drug, food, or dis-
21 ease interactions; and
- 22 (d) Evaluation of the prescription drug order for proper utilization.
- 23 (57) "Qualified donor" means:
- 24 (a) Any entity that meets the definition of "donation repository" as
25 provided in this section; or
- 26 (b) Any member of the public in accordance with section 54-1762, Idaho
27 Code.
- 28 (58) "Record" means all papers, letters, memoranda, notes, prescrip-
29 tions, drug orders, invoices, statements, patient medication charts or
30 files, computerized records or other written indicia, documents or objects
31 that are used in any way in connection with the purchase, sale or handling of
32 any drug or device.
- 33 (59) "Repackage" means repackaging or otherwise changing the con-
34 tainer, wrapper, or labeling to further the distribution of a prescription
35 drug, excluding such actions when completed by the pharmacist responsible
36 for dispensing product to the patient.
- 37 (60) "Reverse distributor" means a drug outlet that receives nonsalable
38 prescription drugs from persons or their agents, who may lawfully possess
39 prescription drugs without being issued a valid prescription drug order, and
40 that processes for credit or disposes of such prescription drugs.
- 41 (61) "Sale" means every sale and includes:
- 42 (a) Manufacturing, processing, transporting, handling, packaging or
43 any other production, preparation or repackaging;
- 44 (b) Exposure, offer, or any other proffer;
- 45 (c) Holding, storing or any other possession;
- 46 (d) Dispensing, giving, delivering or any other supplying; and
- 47 (e) Applying, administering or any other usage.
- 48 (62) "Technician" means an individual authorized by registration with
49 the board to perform pharmacy support services under the direction of a phar-
50 macist.

1 (63) "Ultimate user" means a person who lawfully possesses a drug for
2 his own use or for the use of a member of his household or for administering to
3 an animal owned by him or by a member of his household.

4 (64) "USP" means United States pharmacopoeia.

5 (65) "Veterinary drug outlet" means a prescriber drug outlet that dis-
6 penses drugs or devices intended for animal patients.

7 (66) "Wholesale distribution" means distribution of prescription drugs
8 to persons other than a consumer or patient, but does not include:

9 (a) Drug returns, when conducted by a hospital, health care entity, or
10 charitable institution in accordance with 21 CFR 203.23;

11 (b) The sale, purchase, or trade of a drug, an offer to sell, purchase,
12 or trade a drug, or the dispensing of a drug pursuant to a prescription;

13 (c) The delivery of, or offer to deliver, a prescription drug by a
14 common carrier solely in the common carrier's usual course of business
15 of transporting prescription drugs when such common carrier does not
16 store, warehouse, or take legal ownership of the prescription drug; or

17 (d) The sale or transfer from a community pharmacy or chain pharmacy
18 warehouse of expired, damaged, mispicked, returned, or recalled pre-
19 scription drugs to the original manufacturer, original wholesaler, or
20 third-party returns processor, including a reverse distributor.

21 (67) "Wholesaler" means a person who, in the usual course of business,
22 lawfully distributes drugs or devices in or into Idaho to persons other than
23 the ultimate user.

24 SECTION 105. That Section 55-819, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 55-819. REQUIREMENTS REGARDING A REQUEST FOR NOTICE OF TRANSFER OR
27 ENCUMBRANCE -- RULEMAKING. (1) If the department of health and welfare has
28 recorded a request for notice of transfer or encumbrance pursuant to section
29 ~~56-225, Idaho Code:~~

30 (a) When a title insurance company or agent discovers the presence of a
31 request for notice of transfer or encumbrance recorded in the real prop-
32 erty records in the county in which the property described in such no-
33 tice is located while performing a title search on such property and any
34 individual identified in such notice is the record owner of such prop-
35 erty, the title insurance company or agent shall disclose the presence
36 of the request for notice of transfer or encumbrance in any commitment
37 to offer to issue a title insurance product to insure title to such real
38 property; and

39 (b) If, after the date of the recording the request for notice of
40 transfer or encumbrance described in ~~subsection (1) paragraph~~ (a) of
41 this subsection, the individual identified in such request for notice
42 transfers or encumbers real property described in such filing, such
43 individual, his agent or family member shall provide the department of
44 health and welfare with a notice of transfer or encumbrance within ten
45 (10) days after the date of the transfer or encumbrance. For the pur-
46 poses of this ~~subsection (1) (b) paragraph~~, a title insurance company
47 or agent shall not be deemed or appointed an agent of the individual
48 identified in the request for notice of transfer or encumbrance. The
49 department of health and welfare shall adopt by rule a model form for

1 notice of transfer or encumbrance to be used by said individual when
2 notifying the department.

3 (2) If the department of health and welfare has caused to be recorded a
4 termination of request for notice of transfer or encumbrance in the grants
5 and conveyances records pursuant to ~~section 56-225, Idaho Code,~~ or if no in-
6 dividual identified in the request for notice of transfer or encumbrance is
7 the record owner of the real property described therein, the title insurance
8 company or agent is not required to disclose the notice of transfer or encum-
9 brance as required by subsection (1) (a) of this section, and an individual
10 transferring or encumbering the real property after the date of such record-
11 ing is not required to provide the notice of transfer or encumbrance required
12 by subsection (1) (b) of this section.

13 (3) The notice of transfer or encumbrance described in subsection
14 (1) (a) of this section is personal to the individual named therein and shall
15 not constitute a lien or encumbrance on, or prevent the transfer or encum-
16 brance of, the property described therein. A title insurance company or
17 agent shall have no liability to the department of health and welfare or any
18 person or entity for failing to discover, or for disclosing, the request for
19 notice of transfer or encumbrance as required by subsection (1) (a) of this
20 section.

21 SECTION 106. That Section 56-214, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 56-214. AWARD OF PUBLIC ASSISTANCE -- INELIGIBILITY UPON TRANSFER OF
24 PROPERTY. (1) Upon the completion of the investigation, the state department
25 shall determine whether the applicant is eligible for public assistance un-
26 der the provisions of this act, the type and amount of public assistance he
27 shall receive, and the date upon which such public assistance shall begin.
28 Public assistance shall be paid in the manner prescribed by the state depart-
29 ment.

30 ~~(1)~~ (2) Assistance to families with children shall not be granted under
31 this act to any person who within six (6) months prior to applying for or at
32 any time during which such assistance is received, has either made an assign-
33 ment or transfer of property for the purpose of rendering himself eligible
34 for assistance under this act, or who has divested himself of any interest in
35 property without adequate consideration which interest or proceeds there-
36 from could reasonably be expected to contribute to the support and mainte-
37 nance of such person and his family, except that any person who is ineligible
38 for public assistance due solely to such assignment or transfer shall become
39 eligible provided:

40 (a) There is a showing that such person has caused such property to be
41 assigned or transferred back to him; or

42 (b) There is a showing that the person to whom such property is as-
43 signed or transferred has, subsequent to such assignment or transfer,
44 met subsistence and medical care costs exclusive of any obligation for
45 support, of such person or family, according to the department's as-
46 sistance standard, equal to, or in excess of, the market value of the
47 property so assigned or transferred; or

48 (c) There is a showing that the subsistence and medical care costs of
49 such person, according to the department's assistance standard, subse-

1 quent to such assignment or transfer, equal or exceed the market value
2 of the property so assigned or transferred.

3 ~~(2)~~ (3) Eligibility for old age assistance under section 56-207, Idaho
4 Code, or aid to the blind under section 56-208, Idaho Code, ~~or aid to the dis-~~
5 ~~abled under section 56-209a, Idaho Code,~~ shall be determined by continuing
6 to consider as available any resource that was transferred prior to July 1,
7 1988, until such resource is fully accounted for under the provisions of sec-
8 tion 1613(c) of the social security act as such section read on June 30, 1988.

9 ~~(3)~~ (4) Eligibility for medical assistance under section 56-209b,
10 Idaho Code, shall continue to apply the rules of the director of the depart-
11 ment of health and welfare concerning transfer of property as such rules read
12 on October 29, 1988, to transfers that occur prior to July 1, 1989, to persons
13 other than to the spouse of the person receiving or applying for medical as-
14 sistance, and to interspousal transfers that occur prior to October 1, 1989.

15 ~~(4)~~ (5) The provisions of section 1917(c) of the social security act
16 as amended by public law 100-360 and further amended by public law 100-485
17 and as hereafter amended shall apply as of July 1, 1989, to transfers of as-
18 sets other than to the spouse, and as of October 1, 1989, to transfers be-
19 tween spouses, except that such provisions shall not apply either to trans-
20 fers that occurred before July 1, 1988, or to transfers that have been fully
21 accounted for under subsection ~~(3)~~ (4) of this section. Notwithstanding the
22 foregoing, any transfer of assets not otherwise specifically permitted by
23 federal law or rule of the department not for fair market value is presumed
24 to be for the purpose of sheltering assets to qualify for medical assistance.
25 Such assets transferred shall be counted as available in determining eligi-
26 bility, and will subject the applicant to penalties prescribed by the direc-
27 tor, unless the applicant for assistance can demonstrate by clear and con-
28 vincing evidence that the transfer was intended for another purpose.

29 ~~(5)~~ (6) Any funds, securities, accounts, contracts and all other
30 property held in or transferred to a special needs trust as provided in
31 chapter 14, title 68, Idaho Code, section 15-5-409, Idaho Code, and section
32 15-5-409a, Idaho Code, shall not be considered by the state department in
33 determining whether the applicant is eligible for public assistance under
34 the provisions of this act, so long as the action is permitted under the pro-
35 visions of section 1917(c) and (d) of the social security act, as amended.

36 ~~(6)~~ (7) If any provision of this section or the application thereof to
37 any person or circumstance is held invalid, such invalidity shall not af-
38 fect other provisions or applications of the section that can be given effect
39 without the invalid provisions or applications, and to this end the provi-
40 sions of this section are severable.

41 SECTION 107. That Section 56-234A, Idaho Code, be, and the same is
42 hereby amended to read as follows:

43 56-234A. DEFINITIONS. As used in sections 56-234 through ~~56-235E~~
44 56-235D, Idaho Code:

45 (1) "Admission-discharge committee" means an interdisciplinary team
46 of at least three (3) individuals designated by the director to evaluate
47 persons as required by the provisions of sections 56-234 through ~~56-235E~~
48 56-235D, Idaho Code. Each committee member must be specially qualified by

1 training and experience in the diagnosis and treatment of persons with a
2 developmental disability.

3 (2) "Certified family home" means a family home as defined in section
4 39-3502, Idaho Code.

5 (3) "Community facility" means a privately owned or operated nursing
6 facility, intermediate care facility for persons with intellectual disabili-
7 ties, licensed residential or assisted living facility, other organization
8 licensed, recognized, or certified by the department to provide care or
9 treatment to persons with developmental disabilities, or a publicly owned or
10 operated facility licensed for eight (8) beds or less as an intermediate care
11 facility for persons with intellectual disabilities.

12 (4) "Department" means the Idaho department of health and welfare.

13 (5) "Developmental disabilities" means a chronic disability of a per-
14 son as defined in section 66-402, Idaho Code.

15 (6) "Director" means the director of the Idaho department of health and
16 welfare or his designee.

17 (7) "Discharge" means an admission-discharge committee has determined
18 that there is an available community facility or private residence that is
19 least restrictive, appropriate and consistent with the needs of the individ-
20 ual.

21 (8) "Medically fragile" means an individual with a developmental dis-
22 ability and a chronic medical condition that is characterized by periods of
23 acute exacerbation or potentially life-threatening episodes and that may
24 require frequent hospitalizations or prolonged recuperation periods and
25 ongoing monitoring and assistance by a licensed registered nurse.

26 (9) "Private residence" means a certified family home or a single fam-
27 ily dwelling or apartment in a multiple dwelling or apartment complex that is
28 used by an individual as a place of abode and that is not used for commercial
29 purposes.

30 (10) "Resident" means an individual who is admitted to or resides at the
31 southwest Idaho treatment center.

32 (11) "Transfer" means relocating and moving a person who is a resident
33 of the southwest Idaho treatment center from that institution to a community
34 facility or private residence or from one (1) community facility or private
35 residence to another. Transfer does not include relocating or moving a resi-
36 dent of the southwest Idaho treatment center between rooms or beds within the
37 southwest Idaho treatment center.

38 SECTION 108. That Section 56-1036, Idaho Code, be, and the same is
39 hereby amended to read as follows:

40 56-1036. LEGISLATIVE INTENT. (1) The legislature finds that acciden-
41 tal poisoning is a serious public health problem in the state of Idaho and
42 is a problem that disproportionately affects Idaho's children. It further
43 finds that a significant reduction in the morbidity and mortality resulting
44 from such accidental poisonings has occurred as a result of the services pro-
45 vided by the poison control center.

46 (2) The purpose of sections 56-1036 through ~~56-1040~~ 56-1039, Idaho
47 Code, is to declare legislative support for the important work of the poison
48 control center and to assure, by statute, the continued existence of the
49 poison control center.

1 (3) The legislature finds that the poison control center has saved
2 lives and reduced suffering associated with poisoning by providing emer-
3 gency telephone assistance and treatment referral to victims of such
4 incidents, by providing immediate treatment information to health care pro-
5 fessionals, and by providing public education and prevention programs.

6 (4) The legislature recognizes that enhanced cooperation between the
7 emergency medical system and poison control centers will aid in responding
8 to emergencies resulting from exposure to poisons and that, by providing
9 telephone assistance to individuals with possible exposure to poisons, the
10 need for emergency room and professional office visits will be reduced. As
11 a result, the cost of health care to those who may have been poisoned will be
12 avoided or reduced and appropriate treatment will be assured.

13 SECTION 109. That Section 56-1037, Idaho Code, be, and the same is
14 hereby amended to read as follows:

15 56-1037. POISON CONTROL CENTER ESTABLISHED -- SERVICES OFFERED. The
16 director of the department of health and welfare (for purposes of sections
17 56-1036 through ~~56-1040~~ 56-1039, Idaho Code, "director") shall establish,
18 and provide support in a manner consistent with sections 56-1036 through
19 ~~56-1040~~ 56-1039, Idaho Code, a statewide poison control center. The poison
20 control center shall offer the following services:

21 (1) Provide twenty-four (24) hour emergency telephone management and
22 treatment referral of victims of poisoning to include determining whether
23 treatment can be accomplished at the scene of the incident or transport to
24 an emergency treatment or other facility is required, and carrying out tele-
25 phone follow-up to families and other individuals to assure that adequate
26 care is provided;

27 (2) Provide information to health professionals involved in management
28 of poisoning and overdose victims; and

29 (3) Provide coordination and development of community education pro-
30 grams designed to inform the public and members of the health professions of
31 poison prevention and treatment methods and to improve awareness of poison-
32 ing problems, occupational risks and environmental exposures.

33 SECTION 110. An emergency existing therefor, which emergency is hereby
34 declared to exist, this act shall be in full force and effect on and after
35 July 1, 2025.