

Dear Senators LODGE, Lee, Burgoyne, and  
Representatives HARTGEN, Anderson, King:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the  
Division of Veterans Services:

IDAPA 21.01.01 - Rules Governing Admission, Residency, and Maintenance Charges in Idaho  
State Veterans Homes and Division of Veterans Services Administrative Procedure -  
Temporary and Proposed Rule (Docket No. 21-0101-1701).

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 08/11/2017. 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 09/08/2017.

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 334-4834, or send a written request to the address on the  
memorandum attached below.



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

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### MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Judiciary & Rules Committee and the House Commerce & Human Resources Committee

**FROM:** Deputy Division Manager - Katharine Gerrity

**DATE:** July 25, 2017

**SUBJECT:** Division of Veterans Services

IDAPA 21.01.01 - Rules Governing Admission, Residency, and Maintenance Charges in Idaho State Veterans Homes and Division of Veterans Services Administrative Procedure - Temporary and Proposed Rule (Docket No. 21-0101-1701)

The Division of Veterans Services submits notice of temporary and proposed rule at IDAPA 21.01.01 - Rules Governing Admission, Residency, and Maintenance Charges in Idaho State Veterans Homes and Division of Veterans Services Administrative Procedure. According to the division, the rulemaking is necessary to be in compliance with regulations of the Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services. The division notes that CMS recently updated regulations for long-term care facilities and to be in compliance with the update a section of the current rule dealing with responsibility for loss or damage to residents' clothing, personal property, sensory aids, dentures and prosthetic devices needed to be removed. The division notes that there is no impact on the state general fund expected. However, the rulemaking has an estimated fiscal impact to dedicated and federal funds in the amount of \$20,000 annually for all three State Veteran Homes. The division notes that negotiated rulemaking was not conducted because the rulemaking is necessary to meet federal regulations. The effective date of the temporary rule was July 1, 2017. The rulemaking appears to be authorized pursuant to Sections 65-202 and 65-204, Idaho Code.

cc: Division of Veterans Services  
David Brasuell

## IDAPA 21 – DIVISION OF VETERANS SERVICES

### 21.01.01 – RULES GOVERNING ADMISSION, RESIDENCY, AND MAINTENANCE CHARGES IN IDAHO STATE VETERANS HOMES AND DIVISION OF VETERANS SERVICES ADMINISTRATIVE PROCEDURE

DOCKET NO. 21-0101-1701

#### NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2017.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 65-202 and 65-204, 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 July 19, 2017.

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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rulemaking is necessary to be in compliance with the Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services. CMS recently updated regulations for long-term care facilities as set forth in Code of Federal Regulations, Title 42, Chapter IV, Part 483. The Idaho Division of Veterans Services is currently abiding by 42 CFR 483.15(a)(2)(iii). However, to be in full compliance with this Code of Federal Regulations, Rule Section 203 of this Chapter is being removed.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Compliance with 42 CFR 483.15(a)(2)(iii).

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

**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:

This rulemaking has an estimated fiscal impact to the dedicated and federal funds in the amount of \$20,000 annually for all three State Veteran Homes. No impact on the state general fund is expected.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rulemaking is necessary to meet federal regulations.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Tracy Schaner, Deputy Administrator, (208) 780-1320.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 26, 2017

DATED this 11th day of May, 2017.

Tracy Schaner, Deputy Administrator  
Division of Veterans Services  
351 Collins Road  
Boise, ID 83702  
Phone: (208) 780-1320  
Fax: (208) 780-1301

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT  
OF DOCKET NO. 21-0101-1701  
(Only Those Sections With Amendments Are Shown.)**

**~~203.~~ LIABILITY.**

~~A Home will not be responsible for loss or damage to residents' clothing, personal property, sensory aids, dentures,  
or prosthetic devices. (3-30-01)~~

~~2043.~~ -- 299. (RESERVED)