

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE 16.03.05 - RULES GOVERNING
ELIGIBILITY FOR AID TO THE AGED, BLIND, AND DISABLED (AABD)**

DOCKET NO. 16-0305-0902 (FEE RULE)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2009.

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 Section 56-202, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows:

WEDNESDAY JULY 8, 2009 6:00 p.m. MDT

State Office Bldg. 150 Shoup Ave. 2nd Floor Lg. Conf. Room Idaho Falls, ID

THURSDAY JULY 9, 2009 7:00 p.m. PDT

DHW - Region 1 Office 1120 Ironwood Drive Suite 102, Lg. Conf. Room Coeur d'Alene, ID

THURSDAY JULY 16, 2009 5:00 p.m. MDT

DHW - Region III Office 3402 Franklin Road Sawtooth Room Caldwell, ID

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: In order to meet legislative intent for Medicaid cost containment measures in House Bill 322 for the state fiscal year 2010, the Department is implementing changes in this chapter of rule to provide provisions for cost-sharing for Home Care for Certain Disabled Children (HCCDC) also known as Katie Beckett. The premium and actual cost-sharing amounts are provided under IDAPA 16.03.18. "Medicaid Cost-Sharing," Docket No. 16-0318-0901, published in the July 1, 2009, Idaho Administrative Bulletin."

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: These rule changes are needed to meet deadlines in governing law to implement cost containment measures for the state fiscal year 2010.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: This cost-sharing measure is required to meet 2010 Legislative intent language in House Bill 322.

FISCAL IMPACT: The following is a specific description, if applicable, of any fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: There is no anticipated fiscal impact to state general funds due to this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because these cost saving measures are being required to meet legislative intent.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Susie Cummins at (208) 732-1419. 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 22, 2009.

DATED this 4th day of June, 2009.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
P.O. Box 83720 Boise, ID 83720-0036
(208) 334-5564 phone; (208) 334-6558 fax
dhwrules@dhw.idaho.gov e-mail

THE FOLLOWING IS THE TEMPORARY AND PROPOSED TEXT FOR DOCKET 16-0305-0902

785. CERTAIN DISABLED CHILDREN.

A disabled child, not eligible for Medicaid outside a medical institution, is eligible for Medicaid if he meets the conditions in Subsections 785.01 through 785.078 of these rules. ~~(3-15-02)~~ (7-1-09)T

- 01. Age.** Is under nineteen (19) years old. (7-1-99)
- 02. AABD Criteria.** Meets the AABD blindness or disability criteria. (7-1-99)
- 03. AABD Resource Limit.** Meets the AABD single person resource limit. (7-1-99)
- 04. Income Limit.** Has monthly income not exceeding three (3) times the Federal SSI benefit payable monthly to a single person. (7-1-99)
- 05. Eligible for Long Term Care.** Meets the medical conditions for long-term care in IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits." (3-30-07)
- 06. Appropriate Care.** Is appropriately cared for outside a medical institution, under a physician's plan of care. (7-1-99)
- 07. Cost of Care.** Can be cared for cost effectively outside a medical institution. The estimated cost of caring for the child must not exceed the cost of the child's care in a hospital, nursing facility, or ICF-MR. (3-15-02)
- 08. Share of Cost.** The financially responsible adult of a certain disabled child, who has family income above one hundred fifty percent (150%) of the federal poverty guidelines, is required to share in the cost of the child's Medicaid benefits under the provisions in IDAPA 16.03.18, "Medicaid Cost-Sharing." (7-1-09)T