

**DIVISION OF MEDICAID  
POLICY UPDATE  
December 2015**

**ADMINISTRATIVE RULES**

<b>Docket 16-0316-1501</b>	<b>16-0316-1501 Premium Assistance – Chapter Repeal</b> 2014 legislation (Session Law, Chapter 80) repealed existing state law to remove reference to the Children's Access Card Program. Idaho's Title XXI federally funded waiver, known as "premium assistance," was discontinued at the end of 2013, making this rulemaking non-negotiable to meet current laws and regulations.	
	<b>Negotiated Rulemaking</b>	None
	<b>Negotiated Written Comment</b>	None
	<b>Published as temp/proposed</b>	Proposed
	<b>Comment period ends</b>	08/26/15
	<b>Changes to rules based on comment submitted to APS</b>	09/14/15
	<b>Pending rule publish</b>	11/04/15
<b>Docket 16-0309-1501</b>	<b>16-0309-1501 School-based Services and Therapy Services</b> These rule changes clarify gaps that have been identified in these rules and adjust to changes in current Medicaid practice regarding school-based services and therapy services. Further, these rule changes adjust requirements currently resulting in unnecessary burdens on providers in their efforts to remain in compliance with the rules.  1. Regarding School-Based Services: changes are being made to add clarification to program requirements, increase quality assurance activities, and remove unnecessary regulatory burden that has been identified by stakeholders statewide. 2. Regarding Therapy Services: changes are being made to define maintenance therapy and specify when it is covered, clarify descriptions of therapy aides and assistants to be consistent with the descriptions in the licensure board rules, clarify the type of supervision that is required, redefine the requirements for physician orders, address Tele Health (i.e., when it can be used, utilization management methods, quality control measures using the 2015 legislative statutes), and, define the criteria for feeding therapy.	
	<b>Negotiated Rulemaking</b>	Yes
	<b>Negotiated Written Comment</b>	Yes
	<b>Published as temp/proposed</b>	10/07/15
	<b>Comment period ends</b>	10/28/15
	<b>Changes to rules based on comment submitted to APS</b>	11/06/15
	<b>Pending rule publish</b>	01/06/16
<b>Docket 16-0309-1502</b>	<b>16-0309-1502 Primary Care (PCMH)</b> The Department is moving towards outcome based health care policy initiatives with the implementation of the legislative intent language passed by the 2015 Legislature. Current rules for primary care case management and for health homes need to be revised to support the new health care policy initiatives.  The changes to these rules will provide for the services and provider reimbursement changes	

	needed to support the new model of care for participants. Out dated language will be removed from these rules and other references needed to support the new model will be added.	
	<b>Negotiated Rulemaking</b>	Yes
	<b>Negotiated Written Comment</b>	Yes
	<b>Published as temp/proposed</b>	10/07/15
	<b>Comment period ends</b>	10/28/15
	<b>Changes to rules based on comment submitted to APS</b>	By 11/06/15
	<b>Pending/Temporary rule publish</b>	01/06/16 with Temp effective date 02/01/16

<b>Docket 16-0310-1501</b>	<b>16-0310-1501 Enhanced Plan - HCBS</b>	
	<p>These rule changes are needed to align with and implement new requirements in federal regulations that went into effect March 17, 2014, for Idaho's Home and Community Based Services (HCBS) offered through the State Plan, and under the authority of the HCBS 1915(c) waiver and the 1915(i) State Plan Option. The purpose of the regulations is to enhance participants' opportunity to receive services in the most integrated settings appropriate, and to increase their opportunities for choice and access to the benefits of community living.</p> <p>New rules pertaining to Home and Community Based Services will be added to this chapter to ensure that participants receiving HCBS services live in and receive services in settings that comply with required qualities of settings, service delivery methods, and person-centered planning processes.</p>	
	<b>Negotiated Rulemaking</b>	Yes
	<b>Negotiated Written Comment</b>	Yes
	<b>Published as temp/proposed</b>	10/07/15
	<b>Comment period ends</b>	10/28/15
	<b>Changes to rules based on comment submitted to APS</b>	11/06/15
	<b>Pending rule publish</b>	01/06/16

<b>Docket 16-0313-1501</b>	<b>16-0313-1501 Consumer Directed Services - HCBS</b>	
	<p>These rule changes are needed to align with and implement new requirements in federal regulations that went into effect March 17, 2014, for Idaho's Home and Community Based Services (HCBS) offered through the State Plan, and under the authority of the HCBS 1915(c) waiver and the 1915(i) State Plan Option. The purpose of the regulations is to enhance participants' opportunity to receive services in the most integrated settings appropriate, and to increase their opportunities for choice and access to the benefits of community living.</p> <p>New rules pertaining to Home and Community Based Services will be added to ensure that participants receiving HCBS services live in and receive services in settings that comply with required qualities of settings, service delivery methods, and person-centered planning processes.</p>	
	<b>Negotiated Rulemaking</b>	Yes
	<b>Negotiated Written Comment</b>	Yes
	<b>Published as temp/proposed</b>	10/07/15
	<b>Comment period ends</b>	10/28/15

	<b>Changes to rules based on comment submitted to APS</b>	11/06/15
	<b>Pending rule publish</b>	01/06/16

<b>Docket 16-0318-1501</b>	<b>16-0309-1503 Align third party liability with federal statute</b> This rulemaking is needed for the Department to align state rules with federal statute for third-party liability regarding early and periodic screening and diagnosis services.	
	<b>Negotiated Rulemaking</b>	No
	<b>Negotiated Written Comment</b>	No
	<b>Published as temp/proposed</b>	07/01/15 proposed only-Sine Die effective date
	<b>Comment period ends</b>	07/22/15
	<b>Changes to rules based on comment submitted to APS</b>	07/27/15 / 09/14/15 10/23/15
	<b>Pending rule publish</b>	11/4/15 12/02/15

**RULES COMING SOON-TEMP/PROPOSED**

Autism Spectrum Disorder (ASD)

**STATE PLAN AMENDMENTS TITLE XIX**

- 15-004 In-patient hospital UPL**  
Tribal Coordinator notified 5/22/2015  
Submitted to CMS 6/26/2015 – 90 day clock is 9/23/2015  
Informal RAI received 7/27/15  
Informal response submitted 8/12/15  
Formal RAI received 09/30/15 – 90 day response date 12/29/15
  
- 15-006 Coordination of Benefits (COB) Reimbursement Realignment**  
Tribal Coordinator notified 11/27/15  
Submitted to CMS 12/11/15 – 90 day clock 3/10/16
  
- 15-007 PCCM PCMH**  
Tribal Coordinator notified
  
- 15-008 Hospice Routine Homecare Claims**  
Tribal coordinator notified 12/28/15  
Submitted to CMS 12/28/15 – 90 day clock 3/28/16
  
- 15-010 MMCP Counties Expansion**  
Tribal coordinator notified 12/07/15

**SPA COMING SOON**

Autism Spectrum Disorder (ASD)  
HCBS  
Pregnant Women  
PCCM  
Health Home  
PCCM reimbursement  
MMCP Counties  
Hospice  
FQHC LARC  
Income Eligibility

**STATE PLAN AMENDMENTS TITLE XXI**

**TITLE XXI COMING SOON**

PCCM changes

**WAIVER ACTIVITY**

**WVR 15-01 IBHP (b) Waiver renewal**  
**Tribal Coordinator Notified 3/18/15**  
**Submitted to CMS 6/1/2015**  
**Informal RAI received 6-11-2015**  
**RAI response submitted 6/16/15**  
**Formal RAI received 8/20/15 – 90 day clock is 11/17/15**  
**Temporary Extension through 12/31/15**  
**Submitted to CMS 11/17/2015**  
**RAI Withdrawn 12/22/15**

**QA Report ERP A&D and DD Adult 1915c 12/31/15**

**WAIVER AMENDMENTS COMING SOON**

Autism Spectrum Disorder (ASD)  
HCBS Waiver changes  
1915(i) Children's Renewal (June)  
Dental 1915(b) renewal (October)