

**DIVISION OF MEDICAID
POLICY UPDATE
March 2016**

ADMINISTRATIVE RULES

Docket 16-0316-1501	16-0316-1501 Premium Assistance – Chapter Repeal	
	2014 legislation (Session Law, Chapter 80) repealed existing state law to remove reference to the Children's Access Card Program.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.	
	Negotiated Rulemaking	None
	Negotiated Written Comment	None
	Published as temp/proposed	Proposed
	Comment period ends	08/26/15
	Changes to rules based on comment submitted to APS	09/14/15
Pending rule publish	11/04/15	

Docket 16-0309-1501	16-0309-1501 School-based Services and Therapy Services	
	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.	
	Negotiated Rulemaking	Yes
	Negotiated Written Comment	Yes
	Published as temp/proposed	10/07/15
Comment period ends	10/28/15	
Changes to rules based on comment submitted to APS	11/06/15	
Pending rule publish	01/06/16	

Docket 16-0309-1502	16-0309-1502 Primary Care (PCMH)	
	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.	
	Negotiated Rulemaking	Yes
	Negotiated Written Comment	Yes
	Published as temp/proposed	10/07/15
	Comment period ends	10/28/15
Changes to rules based on comment submitted to APS	By 11/06/15	
Pending/Temporary rule publish	01/06/16 with Temp effective date 02/01/16	

Docket 16-0310-1501	16-0310-1501 Enhanced Plan - HCBS	
	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.	
	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.	
	Negotiated Rulemaking	Yes
	Negotiated Written Comment	Yes
	Published as temp/proposed	10/07/15
	Comment period ends	10/28/15
Changes to rules based on comment submitted to APS	11/06/15	
Pending rule publish	01/06/16	

Docket 16-0313-1501	16-0313-1501 Consumer Directed Services - HCBS	
	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.	
	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.	
	Negotiated Rulemaking	Yes
	Negotiated Written Comment	Yes
	Published as temp/proposed	10/07/15
	Comment period ends	10/28/15
	Changes to rules based on comment submitted to APS	11/06/15
Pending rule publish	01/06/16	

Docket 16-0318-1501	16-0309-1503 Align third party liability with federal statute	
	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.	
	Negotiated Rulemaking	No
	Negotiated Written Comment	No
	Published as temp/proposed	07/01/15 proposed only-Sine Die effective date
	Comment period ends	07/22/15
	Changes to rules based on comment submitted to APS	07/27/15 / 09/14/15 10/23/15
Pending rule publish	12/02/15	

RULES COMING SOON-TEMP/PROPOSED

- Hospice Reimbursement (May)
- FQHC/RHC/IHC LARC Carve-out (May)
- PNA Personal Needs Allowance
- Home Health
- Regulations on Drug Regs
- HCBS Clarifications Chapter 10

STATE PLAN AMENDMENTS TITLE XIX

- 15-008 Hospice Routine Homecare Claims**
Tribal coordinator notified 12/28/15
Submitted to CMS 01/04/16 – 90 day clock 04/05/16
Informal RAI received from CMS 2/29/16- requested response by 03/09/16

- 15-009 COB Reimbursement Alignment (replacement for 15-006)**
Submitted to CMS 12/28/15 – 90 day clock 03/28/16
Approved 2/26/16

- 15-010 MMCP Counties Expansion**
Tribal coordinator notified 12/07/15
Submitted to CMS 12/22/2015 – 90 day clock 03/23/16
Approved 2/11/16

- 16-003 Children’s 1915(i) State Plan HCBS review**
Tribal coordinator notified 2/2/16

SPA COMING SOON

- Adult 1915(i) HCBS
- Pregnant Women
- Health Home
- PCCM & Reimbursement
- FQHC/RHC/IHC LARC Carve-out (May)
- Income Eligibility
- CBRS School based service changes
- 1915(i) Children’s Renewal (January)

STATE PLAN AMENDMENTS TITLE XXI

TITLE XXI COMING SOON

PCCM changes

WAIVER ACTIVITY

QA Report ERP A&D and DD Adult 1915c

Submitted 12/31/15

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 3/31/16

Submitted to CMS 11/17/2015

RAI Withdrawn 12/22/15

WAIVER AMENDMENTS COMING SOON

HCBS Waiver changes (March)

Dental 1915(b) renewal (October)