



Idaho State Independent Living Council

FINAL SILC MEMBERSHIP LEGISLATIVE REPORT 2010 LEGISLATIVE SESSION

ADMINISTRATIVE RULES

Docket # 16-0310-0905 – PCS Homes for Children

Created to address a federal audit that indicated that paying for children in PCS Homes was the same as paying for therapeutic foster care which is disallowed under Federal Medicaid Rules. The rule changes the way PCS Providers will be paid from a daily rate to a reimbursement, billed in 15 minute increments on allowable services. The rule indicates that there will be an estimated savings, to the Idaho Department of Health and Welfare, of \$85,000. SB 1310 was drafted and passed to change Idaho Statute in order to provide implementation of the rule.

Action: Adopted by Senate and House

SILC Position: **Will Continue to Monitor During the Interim**

Docket # 16-0404-0901 – Co Pay for Infant Toddler Services

Requires a co-pay for families, over 200% of federal poverty level, when children are accessing early intervention services. Services that are not covered by private insurance require a co-pay that is based on a sliding fee scale.

Action: Adopted by Senate and House.

SILC Position: **Opposed** - The potential exists that parents may not access early intervention services for their infants/toddlers if they are required to provide a co-pay.

Docket # 16-05-0902 & 16-0318-0901 – Katie Beckett Premiums

Requires families of children accessing services under the Katie Beckett Waiver, Home Care for Certain Disabled Children, to pay a premium if they have a gross income above 185% of poverty. The premiums will be reduced if the family has private insurance. Children whose families are unable to pay the premium will not be denied services. If the family can prove hardship the premium may be waived. The hardship is only allowable if the family can prove that they can't afford the mortgage, rent or food.

Action: Adopted by Senate and House.

SILC Position: **Opposed & SILC will continue monitoring during the interim** - The discussion was that the premium payments were voluntary, however, that is not what the rule states. The question was whether this would really save the state money due to the fact that these are federal funds that support the Katie Beckett Program. 80% of the collected premiums would actually go back to the feds. Creates institutional bias due to the fact that families who place children in institutions do not pay a premium.

SENATE LEGISLATION

SB 1310 – Personal Assistance Services

Recognizes that Personal Care Services (PCS) for children, provided by PCS Family Alternate Care Providers, are different from Personal Assistance Services for adults. In response to a CMS Audit regarding PCS Homes it also unbundles reimbursement rates. Reimbursement rates for PCS Homes will be established through a methodology described in Idaho DHW Rules.

Action: Passed by Senate and House – Signed into Law
4/12/2010

SILC Position: **Monitoring**

SB 1322 – Uniform Probate Code

Amends the Caregiver Statute to restrict gifts made to non-family health care providers that are caring for a person. Intended to correct potential abuse situations that may have occurred under undue influence, but does not penalize immediate family members.

Action: Passed in Senate, held in House Health and Welfare

SB 1330a – Removes Archaic & Disrespectful Language from Idaho Statute

Updates Idaho Law by removing the word “mental retardation” and replaces it with “intellectual disabilities”, in the case of education law, “cognitive impairments”. Replaces “handicapped” with disability and removes archaic language “lunatic” and “idiot”. The amendment removes a section of Idaho Code that relates to the “Death Penalty” as indicated in Idaho Code Section 19-1525A.

Action: Signed by Governor into Law on 4/6/2010.

SILC Position: **Supported**

*** Huge Kudos & Gratitude to the Idaho Council on Developmental Disabilities and Disability Rights of Idaho –Both sponsored and worked diligently to make these changes in Idaho Law.**

SB 1334 – Insurance Coverage for Prosthetic Devices

Requires private insurance coverage, comparable to Medicare Benefits, for prosthetic devices.

Action: Held in Senate Commerce and Human Resources

SILC Position: **Supported**

*** The SILC met with Senator Brent Hill, the sponsor, to delete “offensive language” from the Statement of Purpose and incorporate “People First Language”.**

SB 1428 – Appropriation for the Idaho Division of Vocational Rehabilitation

Reduces the appropriation to the Idaho Division of Vocational Rehabilitation by \$904,400 for Fiscal Year 2010. Appropriates \$23,172,500 to IDVR for Fiscal Year 2011; limits the number of FTEs to 151. In the 2011 General Fund Appropriation of \$2,490,100 contains work services/community supported employment, \$27,700 for Renal Disease Services, and \$2,050,800 for Vocational Rehabilitation Services. Also includes the addition of the Council for the Deaf and Hard of Hearing and intent language that the Industrial

Commission explores the option of sharing office space with IDVR in a report to the Joint Finance and Appropriations Committee in 2011.

Action: Signed by Governor on 4/11/2010

SILC Position: **Monitoring**

SB 1432 – Appropriation for Commission on Aging

Reduces the appropriation for the Commission on Aging by \$386,500 fiscal year 2010; appropriates \$13,397,500 for the Commission on Aging for fiscal year 2011; and limits the number of FTEs to 15.35.

Action: Signed by Governor on 4/12/2010

SILC Position: **Monitoring**

SB 1433 – Appropriation for Independent Councils & Commissions

Appropriation for the Council on Development Disabilities and the Council on Domestic Violence & Victim Assistance. The Council for the Deaf and Hard of Hearing was moved to Idaho Vocational Rehabilitation. Reduces the appropriation for Independent Councils by \$18,400 for the 2010 Fiscal Year. Additional appropriation of \$35,000 for the Idaho Council on Domestic Violence and Victim Assistance for Fiscal Year 2010; appropriates \$4,324,000 for Independent Councils for Fiscal Year 2011; and limits FTEs to 10.

Action: Signed by Governor on 4/12/2010

SILC Position: **Monitoring**

SB 1443 – Appropriation for the Idaho State Independent Living Council (SILC)

Reduces the appropriation for the State Independent Living Council by \$9,900 for fiscal year 2010. (Permanent Holdback) Appropriates \$986,800 for the State Independent Living Council for fiscal year 2011. Limits the FTEs to 6. 2 FTEs for SILC, 3 for the MIG Grant, 1 AmeriCorps Grant. Removes 1 FTE for Resource Development Specialist.

Action: Signed by Governor on 4/12/2010

SILC Position: Supported – Took the SILC off the 25% General Fund Reduction List, did not support the 1 FTE Removal of Resource Development Specialist. Supported only after

meetings with the Governor that indicated he would pull funding if options were not introduced.

***** The SILC will continue monitoring these appropriations. The potential for additional “permanent holdbacks” exist due to the economic outlook projections. The Executive Director will report, back to the SILC, any additional appropriation changes that may occur.**

SENATE RESOLUTIONS AND MEMORIALS – SJR & SJM

SCR 117 – Certified Family Homes

Rejects subpart IDAPA 16.0319.700(a) that restricts use of a manufactured home as a Certified Family Home. Restriction that a manufactured home older than 18 years not be allowed as Certified Family Home was intended to apply to Mobile Homes, not manufactured homes. The definition of a Manufactured Home: is a structure constructed after June 15, 1976, in accordance with HUD Construction and Safety Standards. Homes have the same equivalence, in all aspects, to site build homes.

Action: Held in Senate Health and Welfare Committee
SILC Position: **Monitoring**

SJM 103 – Individuals with Disabilities Education Act

Memorial to the United States Congress and the President of the United States to fund 40% of the Individuals with Disabilities Education Act.

Action: Adopted, Voice Vote, by Senate & House
SILC Position: **Monitoring**

House Legislation

HB 662 – Educational Services for the Deaf and Blind

Clarifies that the Bureau of Educational Services for the Deaf and Blind is a governmental entity authorized by the state and shall be considered as a state department for purposes of risk management and group insurance.

Action: Signed by Governor on 3/31/2010

SILC Position: **Monitoring**

HB631a – Firearms

Replaces HB 447- Gives authority to Idaho State Police, and the Bureau of Criminal Identification to transmit records from the Idaho Supreme Court to the National Instant Check System (NICS) for the purposes of “determining eligibility” for individuals with a history of mental health illness to purchase firearms. There is no database created by this legislation. This legislation may enable the State of Idaho to apply for a share of federal grant dollars made available to states for improvement of the Criminal History Repository and the Court System.

Action: Signed into Law on 4/08/2010

SILC Position: **Neutral**

* SILC did not take a position. The SILC had been notified previously by an individual for support of this legislation; however, the legislation that was provided to the SILC contained additional issues that the SILC could not support. (ie, additional hunting opportunities.)

HB 676a – Youth Athletes

Provide guidelines to existing law that relate to youth athletes, concussions and other pertinent information.

Concussion Education to coaches, youth and their parents or guardians on the risks of concussions and head injuries; provides that a youth that sustains a concussion or head injury be evaluated and released by a licensed health care provider who is trained in the evaluation and management of concussions. The act shall apply to youth athletes seventeen (17) years of age and younger, participating in school/sport activities or sport programs provided by or through the public school system of the State of Idaho.

Action: Signed into Law 4/11/2010

SILC Position: **Monitoring**

HB 681 – County Indigency Fund

Amends existing statute relating to the medically indigent and clarifies responsibilities & relationships between Medicaid and county indigency funds. This bill replaces HB 621.

Action: Signed into Law on 4/08/2010
SILC Position: **Monitoring**

HB 701 – Appropriation for Division of Medicaid

This reduces the appropriation for the Division of Medicaid by \$21,642,400 for fiscal year 2010; appropriates an additional \$19,831,300 for the Division of Medicaid for fiscal year 2010; and appropriates \$1,554,829,000 to the Division of Medicaid for 2011; limits the number of FTEs to 283; provides 15 separate sections of legislative intent, including allowing the services in order to not exceed the appropriation, includes language that permits DHW to negotiate provider pricing and service reduction to contain costs and not exceed the 2011 appropriation. HB 708 modifies statute in line with this intent language.

Action: Signed into Law on 4/08/2010
SILC Position: **Monitoring**

HB 708 – Medicaid Cost Containment

Provide statutory changes to implement some of the intent language attached to HB 701. Removes the 55% supplemental payment to cover administrative costs for personal assistance services (PCS) and substitutes language that caps reimbursement at the 2010 prevailing hourly rate for comparable staff in nursing homes; eliminates the efficiency incentive payments to nursing homes and ICFs, the department does not see demonstrated efficiencies resulting from payments; freezes reimbursement for ICFs at 2008 audited costs; eliminates language prohibiting reductions in pharmacy costs; and inserts language that requires pharmacies to participate in reimbursement offered suggestions for amendments not included due to the end of session.

Action: Signed by Governor on 4/11/2010
SILC Position: **Huge Concern; Monitoring**

HB 722 – Appropriation for Services to People With Developmental Disabilities

Appropriates and reduces the appropriation to the Department of Health and Welfare by \$761,000 for Developmental Disabilities

Service for fiscal year 2010. Appropriates an additional \$330,000 to the Department for the Community Developmental Disabilities Services Program for fiscal year 2010. Appropriates \$40,325,100 to DHW for Developmental Disabilities Services for fiscal year 2011 (including \$1,179,800 in federal stimulus funds for the Infant Toddler Program. Includes \$17,945,700 for Community Development Disabilities Services and a limit on FTE of 169.42. Idaho State School & Hospital appropriation of \$22,379,400 with 376.53 FTEs.

Action: Signed into Law 4/11/2010

SILC Position: **Monitoring**

There are several additional legislation pieces that will require I monitoring during the interim including:

Texting While Driving

Appropriations to Individual Councils and Commissions

There were many other pieces of legislation that the SILC was monitoring however; the legislation included in this report appeared to have a greater impact on the constituency that we serve.