



# Final Legislative Report

May 18, 2009

To view the current status of legislation and the full text of bills go to the Idaho Legislature website at:

<http://www.legislature.idaho.gov/legislation/2009/minidata.htm>

**The 2009 Legislature adjourned on May 8, 2009**

## House Bills

**H0021– Repeal of Sales Tax Exemptions** – Effective June 30, 2009, repeals all sales tax exemptions except those protected by the Constitution

*Sponsor:* Rep. Tom Trail (R-6)

*Status:* Held in House Ways and Means Committee

*Council Position:* Monitor

**H0025 – Kindergarten Mastery** – Encourages parents to meet with a child’s kindergarten teacher to discuss what the child will be expected to learn in kindergarten and then provide for school districts to assess children prior to entering first grade to determine if they have mastered kindergarten achievement standards. For children under the age of 6 who have not attended kindergarten but who can pass the achievement standards, the school district and the parent will each receive payment equal to ¼ of the average amount paid by the state (per student) for kindergarten.

*Sponsor:* Rep. Steven Thayn (R-11)

*Status:* Held in House Ways and Means Committee

*Council Position:* Monitor

**H0026 – Permanent Absentee Voters** – allows voters to apply for permanent absentee voter status for all elections in which they can vote.

*Sponsor:* Rep. Branden Durst (D-18)

*Status:* Held in House Ways and Means Committee

*Council Position:* Monitor

**H0027 – Public Financing of Elections** – creates a “legislature election public finance fund” and allows people to contribute \$1.00 on their income tax form to that fund. The fund would provide funding to legislative candidates in contested primary elections in an amount that equals what they raise from donations. The maximum amount they could receive is \$7,500 and there are limits placed on what they can spend in the

campaign. For the general election, the amount available is up to \$15,000 with limits on spending imposed.

*Sponsor:* Rep. Branden Durst (D-18)

*Status:* Held in House Ways and Means Committee

*Council Position:* Monitor

**H0039 – Group Insurance Changes for State Employees and Retirees**

– requires the Dept. of Administration to establish a committee to advise the state on eligibility and management of health insurance for active and retired state employees. This bill provides that the state will pay each eligible retiree \$100/month (down from the current \$155/month) toward his/her insurance premiums until the person is eligible for Medicare. The spouse of the retiree will be eligible for that benefit until s/he reaches Medicare eligibility. To be eligible, the person must be an active state employee before June 30, 2009, must have at least 10 years of credited state service and must retire directly from state employment.

*Sponsor:* Rep. Dennis Lake (R-28)

*Status:* Held in House State Affairs Committee; replaced with H0173.

*Council Position:* Monitor

**H0056 – Furloughed State Employees** – allows state employees who have been laid off in fiscal years 2009-2011 due to budget shortfalls to be reinstated to their same or a similar position if it becomes available before the end of fiscal year 2012 (June 30, 2013).

*Sponsor:* Rep. Grant Burgoyne (D-16)

*Status:* Held in House Commerce and Human Resources Committee

*Council Position:* Monitor

**H0061 – Omnibus Rescission and Supplemental** – makes permanent the 4% general funds holdback in effect since December, 2008 and removes one-time funds from the 2009 General Fund appropriation. The bill also uses \$56.7 million from the Public Education Stabilization Fund to keep from cutting school spending in the current year and transfers other funds into the departments of Health and Welfare, Corrections, and Parks and Recreation to offset some cuts. Increased health insurance costs for state employees are being offset by Dept. of Administration reserve funds.

*Sponsor:* House Appropriations Committee, Legislative Budget Office

*Status:* Passed House 68-1-1 on 2/9; sent back to the Senate Finance Committee from the floor of the Senate; replaced by H0250

*Council Position:* Monitor

**H0080 – Health and Welfare Appropriations** – reduces general funds to the Department for 2009 by \$75,000 by increasing the authority to spend \$17.4 million in dedicated funds and \$25.8 million in federal funds.

*Sponsor:* House Appropriations Committee, Legislative Budget Office

*Status:* Passed House 66-0-4 on 2/12; passed Senate 31-0-4 on 2/19; LAW

*Council Position:* Monitor

**H0081 – Medicaid Cost Cuts** – to cut costs, this bill reduces reimbursements and benefits paid by Medicaid, specifically, reducing nursing home reimbursement rates, freezing rates for Intermediate Care Facilities for people with mental retardation (ICFs/MR), freezing reimbursement rates to doctors and dentists, and removing reimbursement for non-emergency medical transportation from the Basic Medicaid Plan (not from the Enhanced Plan). There is also a change to the disproportionate share payments made to hospitals. The projected savings would be \$18.5 million, \$10.3 million of which is state general funds.

*Sponsor:* House Health and Welfare Committee/DHW

*Status:* Held in House Health and Welfare Committee; replaced by H0123

*Council Position:* Monitor

**H0084 – School-age, First Grade Entrance Assessment** – changes existing law relating to school age and allows students who attend a private kindergarten to enroll in first grade after they pass a test that shows they are ready for first grade.

*Sponsor:* Rep. Donna Pence (D-25)

*Status:* Passed House 57-7-6 on 3/20; held in Senate Education Committee

*Council Position:* Monitor

**H0087 – Vulnerable Adults** – changes the definition of vulnerable adult to apply not only to the person but to their funds, property or resources in terms of protection from abuse and exploitation.

*Sponsor:* Ada County Prosecutor's Office

*Status:* Passed House 67-0-3 on 3/2; passed Senate 32-0-3 on 3/20; LAW

*Council Position:* Monitor

**H0106 – Mental Illness Exams** – changes existing law so that qualified professionals that examine a defendant's mental condition may be

appointed and provide a report during sentencing. Also allows court to not order additional examinations in some cases. Amended to limit the people who can conduct these exams to psychiatrists and licensed psychologists and excludes “other professionals”.

*Sponsor:* Office of the Idaho Supreme Court

*Status:* Passed House 68-0-2 on 3/16; passed Senate 35-0-0 on 3/31; LAW

*Council Position:* Monitor

**H0123 – Medicaid Cost Cuts** – replaces H0081; to cut costs, this bill reduces reimbursements and benefits paid by Medicaid, specifically, reducing nursing home reimbursement rates, freezing rates for Intermediate Care Facilities for people with mental retardation (ICFs/MR), freezing reimbursement rates to doctors and dentists, and removing reimbursement for non-emergency medical transportation from the Basic Medicaid Plan (not from the Enhanced Plan). There is also a change to the disproportionate share payments made to hospitals. The projected savings would be \$18.5 million, \$10.3 million of which is state general funds.

*Sponsor:* Rep. Fred Wood (R-27)

*Status:* Passed House 69-1-0 on 2/24; passed Senate 34-1-0 on 3/10; LAW

*Council Position:* Monitor

**H0144 – Costs of Hospitalization of Patients with Mental Illness** – clarifies that counties will be responsible for payment of hospitalization of people with mental illness at the Medicaid rate.

*Sponsor:* Rep. Tom Loertscher (R-31)

*Status:* Held in House Health and Welfare

*Council Position:* Monitor

**H0145 – Sterilization Definition Revised** – changes the word “adult” to “persons” to provide protections for people under the age of 18 who are subjected to involuntary sterilization.

*Sponsor:* Co-Ad/Rep. John Rusche (D-7)

*Status:* Passed the House as amended 33-0-2 on 3/10; passed Senate 35-0-0 on 3/31; LAW

*Council Position:* **Support**

**H0146 – Assisted Living Payment Levels** – clarifies that assisted living facilities may access private pay clients to determine rates charged, facilities may change rates/billing practices with specific notice, and facilities may bill private pay clients for furnishings and supplies; amended

to require the facility to be transparent and understandable in their billing practices.

*Sponsor:* Idaho Health Care Association

*Status:* Passed House as amended 66-3-1 on 3/10; passed Senate 34-2-1 on 4/13; LAW

*Council Position:* **Opposed in initial version; after changes made, monitored with concerns; Council participating in negotiated rule making**

### **H0173 – Group Insurance Changes for State Employees and Retirees**

– Substitute for H039 and identical in language except that this bill increases the payment from \$100 to \$155 to help retirees not yet eligible for Medicare from \$100 to \$155 purchase health care coverage.

*Sponsor:* Rep. Dennis Lake (R- 28)

*Status:* Passed House 59-11-0 on 2/24; passed Senate 26-8-1 on 4/3; LAW

*Council Position:* Monitor

**H0179 – Appointment of Guardian** – adds persons with developmental disabilities to probate code to allow parents to make a testamentary nomination of a guardian for a child with a developmental disability.

*Sponsor:* Rep. Lynn Luker (R-15)

*Status:* Passed House 66-0-5 on 3/6; passed Senate 35-0-0 on 3/23; LAW

*Council Position:* Monitor

**H0250– Omnibus FY2009 Appropriation** – Balances the current year budget by taking 5 actions: 1) reducing the General Fund budget by 6%; 2) uses \$85 million of the federal stimulus funds to hold public education harmless; 3) transfers over \$31 million from various state dedicated funds to the state General Fund; 4) reduces health insurance for all state employees by \$9.1 million (\$5.4 is state funds); and 5) as a result of the increased temporary increase in federal reimbursement for Medicaid, cuts \$52 million from General Funds and \$21 million in dedicated funds and adds \$137.7 million in federal funds. This bill replaces H061 and incorporates the impact of the federal stimulus funds.

*Sponsor:* Legislative Budget Office/JFAC

*Status:* Passed House 64-3-3 on 3/23; passed Senate 33-2-0 on 4/1; LAW

*Council Position:* Monitor

**H0260– Skilled Nursing Facility Assessment Act** – This legislation establishes a nursing home provider assessment that is used to leverage additional federal Medicaid dollars. The funds generated through this process will then be used to pay back nursing homes in response to the reimbursement freeze imposed by H0123.

*Sponsor:* Rep. Fred Wood (R- 27)

*Status:* Passed House 63-0-7 on 3/27; passed Senate 34-0-1 on 4/13; LAW

*Council Position:* Monitor

**H0297– Appropriation for State Independent Living Council** – Provides \$1.37 million in state and federal funds for the Council; included is \$1,011,900 for 3 federal grants, \$113,800 in state funds and \$94,900 in stimulus funds, some of which will be used to pay for two accessible vehicles for use as taxis in Boise.

*Sponsor:* JFAC/Rep. Fred Wood (R-27)

*Status:* Passed House 58-9-3 on 4/8; passed Senate 34-0-1 on 4/16; Vetoed by Governor (replaced by H0351)

*Council Position:* Monitor

**HB314 – Appropriation for Independent Councils and Commissions** Appropriates \$4.65 million for the Council on Developmental Disabilities, Council on Domestic Violence, and Council for the Deaf and Hard of Hearing for FY 2010; includes \$843,200 (\$207,800 of that is the PCP grant) and 6 staff for the DD Council; this is a 10.6% reduction

*Sponsor:* JFAC/ Rep. Janice McGeachin (R-32)

*Status:* Passed House 58-8-4 on 4/17; passed Senate 33-0-2 on 4/22; LAW

*Council Position:* Monitor

**HB318 – Appropriation for Developmental Disabilities Programs** – Appropriates \$41.5 million for FY 2010 for services to people with developmental disabilities including the Infant Toddler Program and Idaho State School and Hospital; includes intent language to for DHW to convene a group of stakeholders to create a plan to transition current residents of ISSH to community services or private institutions.

*Sponsor:* JFAC/Rep. Janice McGeachin (R-32)

*Status:* Passed House 49-18-3 on 4/20; passed Senate 33-0-2 on 4/22; LAW

*Council Position:* Monitor

**HB322 – Appropriation for Medicaid** – Appropriates \$1.5 billion to the Division of Medicaid for FY 2010; includes intent language for a variety of cost containment measures including cost sharing for the Katie Beckett program for children with disabilities, evaluation of managed care programs for cost effectiveness, implementation of a transportation brokerage model, encouraging providers to use national accreditation as an alternative/adjunct to state surveying, reviewing the assessment process for persons with developmental disabilities.

*Sponsor:* JFAC/Rep. Fred Wood (R-27)

*Status:* Passed House 40-25-5 on 4/17; passed Senate 27-6-2 on 4/22; LAW

*Council Position:* Monitor

**H0351– Appropriation for State Independent Living Council** –

Replaced H0297 which was vetoed by Governor; provides \$1.37 million in state and federal funds for the Council; included is \$1,011,900 for 3 federal grants, \$113,800 in state funds and \$94,900 in stimulus funds, some of which will be used to pay for two accessible vehicles for use as taxis in Boise.

*Sponsor:* JFAC/Rep. Fred Wood (R-27)

*Status:* Passed House 59-6-5 on 4/29; passed Senate 34-0-1 on 5/4; LAW

*Council Position:* Monitor

**H0358– Appropriation for Division of Vocational Rehabilitation** –

Replaced S1197 which was vetoed by Governor; provides \$27,386,700 in state and federal funds, including \$3 million in stimulus funds for vocational services for Idahoans with disabilities; \$115,000 was requested for Epilepsy Foundation outreach

*Sponsor:* JFAC/Rep. Frank Henderson (R-5)

*Status:* Passed House 46-18-6 on 4/29; sent to Senate Finance Committee on 4/30; held and replaced by S1239

*Council Position:* Monitor

## **House Resolutions**

**HCR007 – Innovation in Education** – Encourages support for innovative school practices including allowing students who are ready to move ahead in grades or subjects, early graduation, empowering parents, and encouraging school district flexibility – all with an eye on saving money

*Sponsor:* Rep. Steven Thayn (R-11)

*Status:* Held in House Education Committee  
*Council Position:* Monitor

**HCR009 – Rejection of Vocational Rehabilitation Rules** – this resolution is required to formalize the action of both the House and the Senate to reject two sections of Rule Docket 47-0101-0801 proposed by the Division of Vocational Rehabilitation. In Section 100, the rule proposed to move language dealing with client appeals from the rules to the agency’s Field Services Manual. In Section 300, the rule required for-profit providers to meet the requirements of non-profit providers – use of a volunteer board, public disclosure of annual audit information, and public disclosure of the salary of the organization’s president or CEO. This section was intended to increase the transparency of operations of all providers. Both the Senate and House Education committees disagreed with these rules and voted to reject them.

*Sponsor:* Rep. Bob Nonini (R-5)

*Status:* Adopted by House 69-0-1 on 2/9; adopted in Senate by voice vote on 2/17; Adopted

*Council Position:* **Support** (the resolution to reject parts of the rule)

**HCR 20– Rejects Case Management Rule 16-0310-0801** – This bill rejects Health and Welfare Rules relating to case management under Medicaid Enhanced Plan Benefits.

*Sponsor:* Rep. Peter Nielsen (R-22)

*Status:* Adopted by the House 62-4-4 on 2/23, Held in Senate Health and Welfare Committee; this means that the rules are approved

*Council Position:* Monitor

## **Senate Bills**

**S1001 – Alzheimer’s Disease Strategic Plan Task Force** – creates this task force and gives them authority and duties, requires a report, provides funding, and sets an end date for the task force. The task force is to develop a plan and make recommendations to address the increase of Alzheimer’s disease in Idaho and the costs of care.

*Sponsor:* Sen. Gary Schroeder (R–6)

*Status:* Held in Senate Health and Welfare

*Council Position:* Monitor

**S1005 – Sexually Exploitative Material** – adds a definition of “sexually exploitative material” to statute relating to the sexual abuse and exploitation of a vulnerable adult.

*Sponsor:* Judiciary and Rules Committee

*Status:* Passed Senate as amended 30-0-5 on 2/20, passed House 66-0-4 on 3/26; LAW

*Council Position:* Monitor

**S1017 – School Attendance** – adds language to current law regarding school attendance to cover parents who home school their children or children who are enrolled in on-line or virtual charter schools.

*Sponsor:* State Board of Education

*Status:* Passed Senate as amended 34-0-1 on 3/3; passed House 67-0-3 on 3/26; LAW

*Council Position:* Monitor

**S1023 – School Age** – lowers the school age to 4 years of age which will allow (but not require) school districts to provide pre-kindergarten programs. No state funds will be used for these programs.

*Sponsor:* Sen. Les Bock (D-16)

*Status:* Held in Senate Education Committee

*Council Position:* **Support**

**S1026 – Campaign Finance Reform** – sets up a Fair Elections Act Trust Fund within the Office of the Secretary of State to receive voluntary contributions and other funds and distribute those to candidates for legislative and statewide office. Participation in the fund requires candidates to limit the money they receive from other sources. Oversight of this fund will be by a Commission on Fair Election Practices that will be made up of 7 people appointed by the Governor to staggered 3-year terms.

*Sponsor:* Sen. Kate Kelly (D-18)

*Status:* Held in Senate State Affairs Committee

*Council Position:* Monitor

**S1032 – Mobile Home Parks** – amends current law to reduce the minimum number of mobile home units in a “park” from 2 to 1 to protect from eviction those individuals renting a mobile home on a single lot.

*Sponsor:* Sen. Jim Hammond (R-5)

*Status:* Held in Senate Commerce and Human Resources Committee

*Council Position:* Monitor

**S1047 – Temporary Guardians and Conservators** – adds a new section to the law to provide for temporary guardians and/or conservators for individuals with developmental disabilities. The bill also includes the duties, powers and responsibilities of guardians ad-litem.

*Sponsor:* Judiciary and Rules Committee/Sen. Les Bock (D-16)

*Status:* Passed Senate 33-0-2 on 2/10; on 2/25 was heard in a subcommittee of the House Judiciary Committee and was sent without recommendation to the full Committee for a hearing; on 3/17 sponsor Bob Aldridge – with the support of the Council and others – asked that the bill be held. Amendments are needed to get the bill through the committee and it was decided to work on these during the interim.

*Council Position:* **Support**

**S1048 – Guardianships** – amends the law to prohibit convicted felons from serving as guardians for minors or individuals with developmental disabilities. It also requires a statement to be filed with the court if there is a convicted felon residing at or frequenting the residence where the person under guardianship lives or if there are any trusts or powers of attorney filed on behalf of that person. The intent is to increase protection of the person with a disability (or a minor) from abuse or exploitation.

*Sponsor:* Judiciary and Rules Committee/Sen. Brent Hill (R-34)

*Status:* Passed Senate 33-0-2 on 2/10; on 2/25 was heard in a subcommittee of the House Judiciary Committee and was sent without recommendation to the full Committee for a hearing; held in Committee

*Council Position:* Monitor

**S1065 – Regional Mental Health Boards** – combines the children’s mental health regional councils with the regional mental health boards by expanding the regional mental health boards to include 2 parents of children with emotional disturbance, 3 adults with mental illness, and 1 representative each of public schools and juvenile justice within the region.

*Sponsor:* Department of Health and Welfare

*Status:* Passed Senate 33-0-2 on 2/13, passed House 69-0-1 on 3/30; LAW

*Council Position:* Monitor

**S1074 – Educational Services for Students who are Deaf and/or Blind** – this bill replaces the current "School for the Deaf and Blind" with the newly created "Idaho Bureau of Educational Services for the Deaf and the Blind" and creates a Board of Directors to govern the Bureau’s activities.

The Bureau will be charged with working with school districts across the entire state to ensure the delivery of services to students in need and may operate a residency program. While the Bureau remains under the authority of the State Board of Education, this bill removes the State Board from the day-to-day program operations.

*Sponsor:* State Board of Education

*Status:* Amended twice to change the composition of the Board of Directors of the Bureau to include a parent of a child who is deaf or blind, a person who is blind and a person who is deaf or hearing impaired, all appointed by the Governor. Passed Senate 33-0-2 on 3/18; passed House 67-0-3 on 4/1; LAW

*Council Position:* Monitor

**S1078 – School District Boundaries** – this bill clarifies the role of the State Board of Education when school district boundaries are changed.

*Sponsor:* State Board of Education

*Status:* Passed Senate 34-0-1 on 3/3; passed House 62-0-8 on 3/26; LAW

*Council Position:* Monitor

**S1082 – Eliminates the DHW program for adults with Cystic Fibrosis** – this bill would eliminate the DHW payment for prescriptions for adults with Cystic Fibrosis in order to save \$205,000 in state general funds; DHW will continue to provide services for children under 21 and will also provide adults with clinic services through St. Lukes in Boise; adults with CF will be referred to various prescription assistance programs to help pay for the prescription costs.

*Sponsor:* Department of Health and Welfare; Sen. John McGee (R-10)

*Status:* Passed Senate 21-14-0 on 3/13; held in House Health and Welfare Committee in favor of SCR112

*Council Position:* **Oppose**

**S1114 – Health Care Treatment and Consent** – this bill would provide a system for medical professionals to withdraw or withhold treatment for a person with a developmental disability if that treatment is determined to be futile or inhumane.

*Sponsor:* Idaho Health Care Association

*Status:* Passed Senate without opposition on 3/3; currently in House Health and Welfare Committee; after multiple meetings and discussion of several proposed changes, no consensus could be reached between sponsors, advocates and right-to-life

representatives; bill held with the intent of further discussion and work during the interim.

*Council Position:* Council contributed to language improving the bill and hosted some of the meetings; Council supported the bill and some of the proposed changes; we will continue to participate in interim work

**S1136 – Seat Belt exemption** – this bill would allow individuals with certain medical conditions to be exempt from using a seat belt; this exemption would be printed on their driver’s license or Idaho identification card.

*Sponsor:* Senator Gary Schroeder (R-5)

*Status:* Held in Senate Transportation Committee

*Council Position:* Monitor

**S1158 – Medically Indigent Program** – this bill revises the law that covers this program that establishes that counties are responsible for the first \$11,000 (up from \$10,000) in medical costs for an uninsured individuals. The balance is paid by the Department of Health and Welfare through the Catastrophic Health Care Fund. This legislation would require the Department to conduct utilization reviews on medical claims regarding whether the person may be Medicaid eligible, pursue recovery of claims paid, and draft rules to cover this program.

*Sponsor:* Senator Dean Cameron (R-26)

*Status:* Passed Senate 35-0-0 on 3/26; passed House 54-15-1 on 4/7; LAW

*Council Position:* Monitor

**S1197 – Appropriation for Vocational Rehabilitation** – provides \$27.3 million for VR for FY 2010;

*Sponsor:* JFAC/Senator Nicole LeFavour (D-19)

*Status:* Passed Senate 32-0-3 on 4/10; passed House 58-8-4 on 4/16; Governor vetoed on 4/22; replaced by H0358

*Council Position:* Monitoring

**S1210 – Appropriation for School for Deaf and Blind** – provides \$7.79 million for FY 2010 to the School for the Deaf and Blind in Gooding

*Sponsor:* JFAC/Senator Diane Bilyeu (D-30)

*Status:* Passed Senate 35-0-0 on 4/14; passed House 64-4-6 on 4/20; LAW

*Council Position:* Monitor

**S1221 – Public Health Appropriation** – provides \$81.1 million for the Division of Public Health, including \$205,000 of one-time funds for the Adult Cystic Fibrosis program with the stipulations outline in SCR112.

*Sponsor:* JFAC/Senator Joyce Broadsword (R-2)

*Status:* Passed Senate 35-0-0 on 4/15; passed House 62-6-2 on 4/21; LAW

*Council Position:* Monitor

**S1222 – Omnibus Year End Budget Transfers** - authorizes the transfer of Budget Stabilization and Public Education Stabilization Fund to the General Fund under certain conditions; transfers \$30,000,000 from the Budget Stabilization Fund to the General Fund; appropriates federal stimulus funds to the Departments of Environmental Quality, Administration, Water Resources, and Transportation; provides legislative intent on the use of federal stimulus funds; makes null and void all references to salary reductions in FY 2010 appropriations; appropriates additional moneys to state agencies and institutions for personnel costs;

*Sponsor:* JFAC/Senator Dean Cameron (R-26)

*Status:* Passed Senate 34-1-0 on 4/14; failed in House 18-51-1 on 4/15

*Council Position:* Monitor

**S1227 - Omnibus Year End Budget Transfers** – substitute for S1222 which failed in the House; authorizes the transfer of Budget Stabilization and Public Education Stabilization Fund to the General Fund under certain conditions; transfers \$30,000,000 from the Budget Stabilization Fund to the General Fund; appropriates federal stimulus funds in the amounts of \$15 million to the Department of Environmental Quality, \$3 million to the Dept of Administration for the Idaho Education Network, and \$17.4 million to the Department of Transportation; it also appropriates \$7,032,300 from the Budget Stabilization Fund to the Executive Office of the Governor; the equivalent of a 2% personnel cost appropriation for agencies dependent on the General Fund in the Executive Branch, to be used at the Governor's discretion. Agencies with dedicated and federal funds also receive the 2%. This bill also makes null and void the provision in all agency appropriations passed this legislative session that directs a 3% salary reduction including appointed officials. It provides full flexibility to the Governor to manage reductions in personnel funding for the Executive Branch.

*Sponsor:* JFAC/Senator Dean Cameron (R-26)

*Status:* Passed Senate 26-8-1 on 4/21; passed House 45-21-4 on 4/29; LAW

*Council Position:* Monitor

**S1233 – Appropriation for the Bureau of Educational Services for Deaf and Blind** - This bill clarifies that any appropriation passed during the 2009 session with reference to the Idaho School for the Deaf and the Blind shall mean the Bureau of Educational Services for the Deaf and the Blind and the Bureau's FY 2010 appropriation shall be located within the Educational Support Program/Division of Children's Programs. This bill is needed to resolve the issue of having a Fiscal Year 2010 appropriation bill for the Idaho School for the Deaf and the Blind that takes effect July 1, 2009 at the same time the statutes that created the school will be repealed as a result of Senate Bill No.1074, as amended, as amended. See S1210 for appropriation made to School for the Deaf and Blind.

*Sponsor:* JFAC/Senator Diane Bilyeu (D-29)

*Status:* Passed Senate 34-0-1 on 5/5; rules suspended and passed House 60-0-10 on 5/5; to Governor on 5/7

*Council Position:* Monitor

**S1239 – Appropriation for Division of Vocational Rehabilitation** – replaces H0358 which was held in Senate Finance Committee. It appropriates \$27,386,700 in state and federal funds, including \$3 million in stimulus funds for vocational services for Idahoans with disabilities; \$115,000 was requested for Epilepsy Foundation outreach but since federal VR rules prevent the use of VR funds in this manner, funding for that program is in negotiation.

*Sponsor:* JFAC/Senator Nicole LeFavour (D-19)

*Status:* Passed Senate 32-0-3 on 5/7; passed the House 62-2-8 on 5/7; to Governor on 5/8

*Council Position:* Monitor

## **Senate Resolutions**

**SCR112 – Adult Cystic Fibrosis Program** - requests the Department of Health and Welfare to review the eligibility criteria for and the services available through the Adult Cystic Fibrosis Program and report to the Legislative Health Care Task Force by September, 2009, regarding certain options for restructuring that program, including efforts to maximize individual responsibility, impose financial eligibility criteria, explore potential utilization of the High Risk Insurance Pool, and align with other health care programs provided by the state (eg Medicaid). Related to this resolution (but not part of it) was action providing \$205,000 in one-time funds for FY2010 for this program.

*Sponsor:* Senator John McGee (R-10)

*Status:* Passed Senate 34-0-1 on 4/13; adopted in House 67-0-3 on 4/21

*Council Position:* Monitor

## **Rules**

**Docket 16-0309-0803 – Medicaid Basic Plan Benefits- Mental Health Services** – Make changes to rules that allow occupational therapists and speech language pathologists to enroll as independent Medicaid providers to clarify when Medicare certification is required. Also makes changes to Medicaid outpatient mental health services to manage current benefits; reduce duplication of mental health services; and remove overlapping components and requirements that don't align with each other. The changes are meant to better match mental health benefits to participant's needs and ensure that services are provided by qualified providers.

*Status:* Approved

*Council Position:* Monitor

**Docket 16-0310-0801 – Medicaid Enhanced Plan Benefits- Service Coordination** – Makes changes to Medicaid service coordination services to meet federal regulations. Changes reimbursement rate for providers from a flat monthly rate to 15-minute increments; ensures participants have a single service coordinator; addresses provider conflict of interest, changes time frame for service coordination when the participant is leaving an institution; changes requirements for assessment and monitoring; and clarifies service coordination provider qualifications and participant eligibility.

*Status:* Approved in Senate and rejected in House (See HCR20 rejecting these rules); if Senate takes no action on HCR20, the rules will go into effect

*Council Position:* Monitor

**Docket 16-0310-0803 – Medicaid Enhanced Plan Benefits- Mental Health Services Reform** – Makes changes to Medicaid outpatient mental health services to manage current benefits, intended to reduce inappropriate use of services and set clear assessment criteria while maintaining access. These changes would reduce the weekly hours of crisis intervention services from 20 hours/week currently to 10 hours/week, redefines and reduces psychosocial rehabilitation services, and are intended to slow the growth of Medicaid expenditures and meet cost savings requirements.

*Status:* Approved as temporary

*Council Position: **Oppose***

**Docket 16-0310-0901 – Medicaid Enhanced Plan Benefits- Mental Health Services Limitations** –These changes would reduce psychosocial rehabilitation services from 20 hours/week currently to 10 hours/week. This is intended to slow the growth of Medicaid expenditures and meet cost savings requirements.

*Status: Approved as temporary*

*Council Position: **Oppose***

**Docket 16-0310-0902 – Medicaid Enhanced Plan Benefits- Developmental Disability Services Limitations** – Makes changes to Medicaid developmental disability service coverage and limitations to slow the growth of Medicaid expenditures and meet cost savings requirements. The changes would reduce developmental disability agency services from a 30 hours/week to a maximum of 22 hours/week.

*Status: Approved as temporary*

*Council Position: **Oppose***

**Docket 47-0101-0801 – Vocational Rehabilitation Rules** – Modifies the availability of rules, guidance documents or other policy statements or interpretations from local VR offices to the Central VR Office and the internet. Moves the section of the rules dealing with client appeals from rules into the agency’s Field Services Manual. Requires for-profit providers to meet the same requirements for non-profit providers (use of a volunteer board, public disclosure of audit information, and annual publication of the CEO salary).

*Status: Rejected (See HCR009)*

*Council Position: **Oppose***