

**IDAPA 15 – OFFICE OF THE GOVERNOR
IDAHO COMMISSION ON AGING**

15.01.01 – RULES GOVERNING SENIOR SERVICES AND OLDER AMERICANS ACT PROGRAMS

DOCKET NO. 15-0101-2501 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 67-5003](#), Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

<p style="text-align:center">Wednesday, October 8, 2025 10:00 a.m. (MT)</p>
<p style="text-align:center">To attend in person: Idaho Commission on Aging 6305 W. Overland Road Suite 110 Boise, Idaho 83709</p> <p style="text-align:center">To attend via Microsoft Teams: Join the meeting now Meeting ID: 234 953 043 154 3 Passcode: Jp3b9aR9 Dial in by phone +1 208-985-2810,,52181951# United States, Boise Find a local number Phone conference ID: 521 819 51#</p>

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 a nontechnical explanation of the substance and purpose of the proposed rulemaking:

These rules are being presented for authorization as part of the Idaho Commission on Aging’s plan to review each rule every 5 years under [Executive Order 2020-01, Zero-Based Regulation](#). The Commission seeks to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. The rule changes are intended to perform a comprehensive review of this chapter by collaborating with the public to streamline or simplify language. The Idaho Commission on Aging intends to carefully consider all changes presented by the public and may propose certain changes so long as they are consistent with the rules’ statutory authority and the Governor’s Executive Order.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

There are no fees associated with this rulemaking.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

There is no fiscal impact as a result of this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 2nd, 2025, Vol. 25-7, p 48-49, Idaho Administrative Bulletin.

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

There are no documents incorporated by reference associated with this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Bettina Briscoe, 208-577-2858.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2025.

DATED this 15th day of September, 2025.

Judy Taylor, Director
Idaho Commission on Aging
6305 Overland Rd., Suite 110
Boise, ID 83709
Phone: 208-334-3833
Email: ICOA@aging.idaho.gov
Website: <https://aging.idaho.gov/>

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 15-0101-2501
(ZBR Chapter Rewrite.)

15.01.01 – RULES GOVERNING SENIOR SERVICES AND OLDER AMERICANS ACT PROGRAMS

000. LEGAL AUTHORITY.

~~Under authority of~~ Section [67-5003](#), Idaho Code, ~~the Idaho Commission on Aging adopts the following rules.~~
(3-31-22)()

001. ~~TITLE AND~~ SCOPE.

~~01. Title.~~ These rules are titled ~~IDAPA 15.01.01, “Rules Governing Senior Services and Older Americans Act Programs.”~~
(3-31-22)

~~02. Scope.~~ These rules constitute minimum requirements for aging services funded under authority of ~~Sections 67-5005 through 5008~~ [Title 67 Chapter 50](#), Idaho Code, and the [Older Americans Act of 1965](#) as ~~Amended (OAA)~~, and ~~include a list of common terms and definitions~~ [45 CFR Part 1321](#) related to Idaho’s aging programs ~~and services.~~
(3-31-22)()

002. -- 009. (RESERVED)

010. DEFINITIONS.

~~01. Act. The Idaho Senior Services Act. Programs and services established in Sections 67-5001 through 67-5011, Idaho Code. (3-31-22)~~

~~02. Aging Network. The ICOA, the AAAs, Focal Points and other providers of direct service to older individuals. (3-31-22)~~

~~03. Area Agency on Aging (AAA). Separate organizational unit within a unit of general purpose local government or public or private non-profit agency or organization agency that functions only for purposes of serving as the area agency on aging that plans, develops, and implements services for older persons within a specified geographic area. (3-31-22)~~

~~04.1. Assessment. An instrument utilizing uniform criteria to assess eligibility. (3-31-22)~~

~~05. Caregiver. An adult family member or another individual, who is an “informal” provider of in-home and community care to an older individual. “Informal” means that the care is not provided as part of a public or private formal service program. (3-31-22)~~

~~06.2. Client. Person who has met service eligibility requirements addressed in this chapter. (3-31-22)()~~

03. Cognitive Limitations. The inability to perform one (1) or more of the following eight (8) instrumental activities of daily living without personal assistance, or stand-by assistance, supervision or cues: preparing meals, shopping for personal items, medication management, managing money, using telephone, doing heavy housework, doing light housework, and transportation ability (transportation ability refers to the individual's ability to make use of available transportation without assistance). ()

~~07.4. Cost Sharing Payment. An established payment required from individuals clients receiving services under this chapter. The cost sharing payment varies by regulation and according to client's current annual household or individual income. (3-31-22)()~~

~~08. Department. Idaho Department of Health and Welfare. (3-31-22)~~

05. Eligibility. Someone who may receive services in alignment with federal and state law, operational guidance, and budget constraints. ()

~~09.6. Focal Point. A facility established identified to encourage facilitate the maximum collocation and coordination of services for older individuals. (3-31-22)()~~

~~10.7. Formal Supports. Services provided to clients by a formally organized entity, including, but not limited to, Medicaid HCBS. (3-31-22)~~

08. Functional Limitation. The inability to perform one (1) or more of the following six (6) activities of daily living without personal assistance, stand-by assistance, supervision or cues: eating, dressing, bathing, toileting, transferring in and out of bed/chair, and walking. ()

~~11.09. Household. For sliding fee purposes, a “household” includes a client and any other person permanently resident in the same dwelling who share accommodations and expenses with the client. (3-31-22)~~

~~12. ICOA. Idaho Commission on Aging. (3-31-22)~~

~~13. ICOA Program Manual. Operational guidance for services and programs. (3-31-22)~~

~~14. Impairment in Activities of Daily Living (ADL). The inability to perform one or more of the following six activities of daily living without personal assistance, stand by assistance, supervision or cues: eating, dressing, bathing, toileting, transferring in and out of bed/chair, and walking. (3-31-22)~~

~~15. **Impairment in Instrumental Activities of Daily Living (IADL).** The inability to perform one or more of the following eight instrumental activities of daily living without personal assistance, or stand-by assistance, supervision or cues: preparing meals, shopping for personal items, medication management, managing money, using telephone, doing heavy housework, doing light housework, and transportation ability (transportation ability refers to the individual's ability to make use of available transportation without assistance).~~ (3-31-22)

~~160. **Informal Supports.** Supports provided by church, family, friends, and neighbors, usually at no cost to the client.~~ (3-31-22)

~~171. **Medicaid-HCBS Services. Programs and S**~~services approved under ~~the~~ Medicaid ~~Waiver~~ for the aged and disabled. (3-31-22)()

~~182. **Older Americans Act, as Amended (OAA).** Federal law which authorizes funding to states to provide home and community-based services for older persons.~~ (3-31-22)()

~~19. **Program.** The Idaho Senior Services and Older Americans Act programs as administered by the~~ ICOA. (3-31-22)

~~20. **Program Regulations.** Applicable Federal statutes and regulations, the act, and these rules.~~ (3-31-22)

~~213. **Provider.** An Area Agency on Aging (AAA) or a person or entity capable of providing services to clients under a formal contractual arrangement including duly authorized agents and employees.~~ (3-31-22)()

~~22. **Services.** Long term services and supports that assist clients to remain in their home and community including but not limited to: Transportation, congregate meals, in-home services, adult day care and information and assistance.~~ (3-31-22)

~~011. **DEMONSTRATION PROJECTS.**~~

~~The Administrator has authority to operate demonstration projects under the authority of section 67-5010, Idaho Code, which may be exempt from these rules at the Administrator's discretion.~~ (3-31-22)

~~012. **PROGRAM PURPOSE.**~~

~~The Idaho Senior Services Act and Older Americans Act Services are designed to provide older individuals with the assistance they need to compensate for functional or cognitive limitations with the goal of living safe, dignified, and healthy lives within the community of their choice.~~ (3-31-22)

~~011. – 012. **(RESERVED)**~~

013. PROGRAM POLICY.

01. Idaho Commission On Aging (ICOA) Program Manual. ICOA program manual includes but not limited to the published operations manual, planning manual, policies and procedures, standardized forms and assessments, review toolkits, and any other official ICOA guidance. The manual is developed, modified, and updated with input from the appropriate stakeholder groups and approved by the Administrator. At the Administrator's discretion, the manual may be modified to adhere to state or federal law, ~~or~~ regulations, or best practices. (3-31-22)()

~~02. **Contracts.** The ICOA may contract with Providers to deliver home and community based services in accordance with the regulations.~~ (3-31-22)

032. Home and Community Based Programs and Services. Programs and Sservices offered by ICOA may include, but are not limited to: (3-31-22)()

a. Adult Day Care. Personal care for clients in a supervised, protective, and congregate setting during some portion of a day. Services offered in conjunction with adult day care/adult day health typically include social

~~and recreational activities, training, counseling, and services such as rehabilitation, medications assistance and home health aide services for adult day health.~~ (3-31-22)()

~~b. Case Management. Case management is a service provided to clients, at the direction of the individual or a family member of the individual, to assess the needs of the person and to arrange, coordinate, and monitor an optimum package of services to meet those needs. Activities of case management include: comprehensive assessment of the individual; development and implementation of a service plan with the individual to mobilize formal and informal resources and services; coordination and monitoring of formal and informal service delivery; and periodic reassessment.~~ (3-31-22)()

~~c. Chore Services. Providing assistance to clients who have functional limitations that prohibit them from performing tasks such as routine yard work, sidewalk maintenance, heavy cleaning, or minor household maintenance.~~ (3-31-22)()

~~d. Congregate Meals. A meal provided to an eligible individual in a congregate or group setting. The meal served must meet program requirements.~~ (3-31-22)()

~~e. Health Promotion and Disease Prevention. Services that include health screenings and assessments; organized physical fitness activities; evidence-based health promotion programs; medication management; home injury control services; and/or information, education, and prevention strategies for chronic disease and other health conditions that would reduce the length or quality of life of the person sixty (60) or older.~~ (3-31-22)()

~~f. Home-Delivered Meals. Meals delivered to clients in private homes.~~ (3-31-22)()

~~g. Home Modification.~~ ()

~~gh. Homemaker Service. Assistance with housekeeping, meal planning and preparation, essential shopping and personal errands, banking and bill paying, medication management, and, with restrictions, bathing and washing hair.~~ (3-31-22)()

~~hi. Information and Assistance Services. Provides current information about services available within the community, conducts intake and assessment, determines the appropriate available service, and makes a referral and to the extent practicable, establishes adequate follow-up procedures.~~ (3-31-22)()

~~ij. Legal Assistance. Advice, counseling, or representation by an attorney or by a paralegal under the supervision of an attorney.~~ (3-31-22)()

~~jk. National Family Caregiver Program. that may include:~~ (3-31-22)()

~~i. Counseling. Assist caregivers in making decisions and solving problems relating to their caregiver roles. This includes counseling to individuals, support groups, and caregiver training (of individual caregivers and families).~~ (3-31-22)()

~~ii. Respite Care. Services which offer temporary, substitute supports or living arrangements for care recipients in order to provide a brief period of relief or rest for caregivers.~~ (3-31-22)()

~~iii. Supplemental sServices. Services provided on a limited basis to complement the care provided by caregivers. Examples of supplemental services include, but are not limited to, home modifications, assistive technologies, emergency response systems, and incontinence supplies.~~ (3-31-22)()

~~iv. Information Services. A service for caregivers that provides the public and individuals with information on resources and services available to the individuals within their communities.~~ (3-31-22)()

~~v. Access Assistance. A service that assists caregivers in obtaining access to the services and resources that are available within their communities. To the maximum extent practicable, it ensures that the individuals receive the services needed by establishing adequate follow-up procedures.~~ (3-31-22)()

~~l.~~ Outreach Services. ~~A service which actively seeks out older individuals with greatest social and economic needs with particular attention to low income older individuals, including low income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas.~~

~~(3-31-22)()~~

~~m.~~ Transportation Services. ~~Services designed to transport clients to and from community facilities/resources for the purposes of applying for and receiving services, reducing isolation, or otherwise promoting independence.~~

~~(3-31-22)()~~

~~n.~~ Respite. ~~Short term, intermittent relief provided to caregivers of an ADL or IADL impaired care recipient.~~

~~(3-31-22)()~~

014. PROGRAM ELIGIBILITY (RESERVED)

~~Individuals are eligible for specific Services as established by the Older Americans Act and Idaho Senior Services Act.~~

~~(3-31-22)~~

015. SERVICE PRIORITY.

~~Highest priority is given to clients in immediate jeopardy then those with the greatest degree of ADL or IADL deficits and who are lacking formal and informal supports other than a caregiver. Caregiver services are prioritized by the Administrator in accordance with the Program Regulations. Services are prioritized as described in ICOA program guidance and the accepted area agency on aging (AAA) local plans. Exceptions may be made for clients in immediate jeopardy or a waiver approved by the Administrator. During declared emergencies alternative criteria may be used.~~

~~(3-31-22)()~~

016. SERVICE LIMITATIONS AND EXCEPTIONS.

01. Cost Sharing Payments. Payments ~~are~~ may be required based on the sliding fee scale established by the Administrator in accordance with the ~~P~~program ~~R~~regulations.

~~(3-31-22)()~~

02. Service. Eligibility, denial, or termination are determined through the applicable ICOA Assessment.

~~(3-31-22)~~

03. Medicaid Home and Community Based Services (HCBS). Clients or individuals determined by the Idaho Department of Health and Welfare to be eligible for Medicaid or Medicaid HCBS, are not eligible for ~~S~~services unless the ~~S~~services are determined by the ~~P~~provider to be needed on an interim, emergency basis until Medicaid or Medicaid HCBS is initiated.

~~(3-31-22)()~~

017. -- 999. (RESERVED)