

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.26 – MEDICAID PLAN BENEFITS

DOCKET NO. 16-0326-2601

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment and input prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section(s) 56-202(b), and 56-265, Idaho Code, and 42 CFR 441, Subpart G.

MEETING SCHEDULE: A negotiated rulemaking meeting will be held as follows:

Wednesday, July 22, 2026 2:00 p.m. (MT)
Join using the meeting link: https://teams.microsoft.com/meet/239939547522832?p=hNMAp9hWn0ZDGchJGs Meeting ID: 239 939 547 522 832 Passcode: Lk3QX3Tz
Dial in by phone 1 972-454-4077 United States, Dallas Boise 1-208-609-5034 Phone conference ID: 926 733 148#

The meeting site(s) will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do any of the following:

- Attend the negotiated rulemaking meeting and participate in the negotiation process; or
- Provide oral or written recommendations, or both, at the negotiated rulemaking meeting; and/or
- Submit written recommendations and comments to DHWRules@dhw.idaho.gov.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

This rulemaking will remove sections of rule that were rendered invalid by H0863 and H0494a (2026), clarify audit process, define and apply conflict of interest, clarify home and community-based services definition based on CMS feedback, rollback application of provider agreement to Family-Directed Consumer Services (FDCS), clarify general reimbursement language to match existing processes, clarify dual Medicare-Medicaid impacts, rollback application of electronic visit verification from all personal care services to only personal assistance agencies, clarify eligibility for the breast and cervical cancer program, reduce requirements on intervention professionals and intervention specialists for children’s habilitation and intervention services (CHIS), reduce requirements on occupational, physical and speech therapists, reduce restrictions for certain providers in facilities, clarify behavioral

care unit eligible days, clarify termination from self-direct services, allow personal assistance agencies to be fiscal intermediaries and provide attendant care, reduce adult day health requirements for training but require to be employee of agency, clarify case management, remove cap on children receiving personal care services, clarify developmental disability (DD) services includes adult DD services, clarify right place requirement, decreased required documentation for developmental therapy, provide alternate due dates for adult DD Waiver limits, clarify transition management for participants transitioning from long-term institutional care into the community, clarify support broker qualifications and eligible services and termination, clarify prohibition of duplication of DD services, update quality assurance activities for DD services, clarify release of estate claims, and general non-substantive language cleanup.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text (if available), contact Estela Cabrera at DHWRules@dhw.idaho.gov or (208) 334-5500. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the agency website at: <https://healthandwelfare.idaho.gov/about-dhw/rules-policies-procedures-and-waivers>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 22, 2026.

DATED this 1st day of July, 2026.

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