

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 631, As Amended

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO INTERMEDIATE CARE FACILITY ASSESSMENT; AMENDING SECTION
2 56-1603, IDAHO CODE, TO REMOVE A PROVISION RELATING TO ICF ADJUST-
3 MENT PAYMENTS AND TO REMOVE A PROVISION RELATING TO FUNDS FOR MEDICAID
4 TRUSTEE AND BENEFIT EXPENDITURES; AND AMENDING SECTION 26, CHAPTER 164,
5 LAWS OF 2011, TO REMOVE A SUNSET CLAUSE.
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 56-1603, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 56-1603. INTERMEDIATE CARE FACILITY ASSESSMENT FUND. (1) There is
11 hereby created in the office of the state treasurer a dedicated fund to be
12 known as the ICF assessment fund to be administered by the department. The
13 state treasurer shall invest idle moneys in the fund, and any interest re-
14 ceived on those investments shall be returned to the fund.

15 (2) Moneys in the fund shall consist of:

16 (a) All moneys collected or received by the department from ICF assess-
17 ments required pursuant to this chapter;

18 (b) All federal matching funds received by the department as a result
19 of expenditures made by the department that are attributable to moneys
20 deposited in the fund;

21 (c) Any interest or penalties levied in conjunction with the adminis-
22 tration of this chapter; and

23 (d) Any appropriation or federal funds.

24 (3) The fund is created for the purpose of receiving moneys in accor-
25 dance with the provisions of this section and section 56-1604, Idaho Code.
26 The fund shall not be used to replace any moneys appropriated to the Idaho
27 medical assistance program by the legislature. Moneys in the fund, which
28 are deemed to be perpetually appropriated, shall be used exclusively for the
29 following purposes:

30 (a) To pay administrative expenses incurred by the department or its
31 agent in performing the activities authorized pursuant to this chapter,
32 provided that such expenses shall not exceed a total of one percent (1%)
33 of the aggregate assessment funds collected for the prior fiscal year.

34 (b) To reimburse the medicaid share of the assessment as a pass-
35 through.

36 (c) To secure federal matching funds available through the state med-
37 icaid plan, which funds shall be used to make medicaid payments for ICF
38 services that equal or exceed the amount of ICF medicaid rates, in the
39 aggregate, as calculated in accordance with the approved state medicaid
40 plan in effect on July 1, 2011.

41 (d) To increase ICF payments to fund covered services to medicaid bene-
42 ficiaries within medicare upper payment limits.

1 ~~(e) To, at a minimum, make ICF adjustment payments that restore any rate~~
2 ~~reductions, in the aggregate, for the state fiscal years 2011 and 2012,~~
3 ~~within medicare upper payment limits.~~

4 ~~(f) To make refunds to ICFs pursuant to section 56-1607, Idaho Code. If~~
5 ~~an ICF is unable to refund payments, the state shall develop a payment~~
6 ~~plan and deduct moneys from future medicaid payments. The state will~~
7 ~~refund the federal government for the federal share of these overpay-~~
8 ~~ments.~~

9 ~~(g) To make transfers to any other fund in the state treasury, provided~~
10 ~~such transfers shall not exceed the amount transferred previously from~~
11 ~~that other fund into the ICF assessment fund.~~

12 ~~(h) To provide state matching funds for department medicaid trustee~~
13 ~~and benefit expenditures to the extent that a general fund shortfall~~
14 ~~exists, or as limited by the maximum assessment as set forth in section~~
15 ~~56-1604(2), Idaho Code, whichever is less.~~

16 SECTION 2. That Section 26, Chapter 164, Laws of 2011, be, and the same
17 is hereby amended to read as follows:

18 SECTION 26. Sections 22 and 23 of this act shall be in full force and ef-
19 fect on and after July 1, 2012. ~~The provisions of Section 24 of this act shall~~
20 ~~be null, void and of no force and effect on and after July 1, 2012.~~