

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 484

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO THE PRIMARY CARE ACCESS PROGRAM; AMENDING SECTION 56-201, IDAHO
2 CODE, TO REVISE DEFINITIONS; AMENDING SECTION 56-203, IDAHO CODE, TO
3 PROVIDE THAT THE STATE DEPARTMENT OF HEALTH AND WELFARE SHALL HAVE
4 THE POWER TO INITIATE AND ADMINISTER THE PRIMARY CARE ACCESS PROGRAM;
5 AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SEC-
6 TION 56-270, IDAHO CODE, TO PROVIDE A SHORT TITLE; AMENDING CHAPTER 2,
7 TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-271, IDAHO
8 CODE, TO PROVIDE LEGISLATIVE INTENT; AMENDING CHAPTER 2, TITLE 56,
9 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-272, IDAHO CODE, TO ES-
10 TABLISH THE PRIMARY CARE ACCESS PROGRAM FUND; AMENDING CHAPTER 2, TITLE
11 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-273, IDAHO CODE, TO
12 DEFINE TERMS; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION
13 OF A NEW SECTION 56-274, IDAHO CODE, TO PROVIDE POWERS AND DUTIES OF THE
14 DIRECTOR OF THE STATE DEPARTMENT OF HEALTH AND WELFARE; AMENDING CHAP-
15 TER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-275,
16 IDAHO CODE, TO PROVIDE ELIGIBILITY REQUIREMENTS FOR PROGRAM PARTICI-
17 PANTS; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A
18 NEW SECTION 56-276, IDAHO CODE, TO PROVIDE ELIGIBILITY REQUIREMENTS FOR
19 HEALTH CARE PROVIDERS; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE
20 ADDITION OF A NEW SECTION 56-277, IDAHO CODE, TO PROVIDE THAT PROGRAM
21 PARTICIPANTS SHALL BE ANNUALLY ENROLLED BASED ON PROGRAM AVAILABILITY,
22 TO PROVIDE THAT PARTICIPANTS WILL BE ANNUALLY REASSESSED TO DETERMINE
23 IF THEY SHALL CONTINUE IN THE PROGRAM, TO PROVIDE THAT PROGRAM PARTICI-
24 PANTS SHALL BE ASSIGNED A PROVIDER BASED ON LOCATION AND TO PROVIDE THAT
25 PROGRAM PARTICIPANTS SHALL RECEIVE PRIMARY CARE ACCESS AND CARE COORDI-
26 NATION SERVICES FROM THAT PROVIDER; AMENDING CHAPTER 2, TITLE 56, IDAHO
27 CODE, BY THE ADDITION OF A NEW SECTION 56-278, IDAHO CODE, TO PROVIDE FOR
28 PAYMENT TO PROVIDERS AND TO ESTABLISH FEES FOR PROGRAM PARTICIPANTS;
29 PROVIDING AN EFFECTIVE DATE; AND PROVIDING A SUNSET DATE.
30

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

32 SECTION 1. That Section 56-201, Idaho Code, be, and the same is hereby
33 amended to read as follows:

34 56-201. DEFINITIONS. As used in this act:
35 (a) "State department" means the state department of health and wel-
36 fare;
37 (b) "Director" means the director of the department of health and wel-
38 fare;
39 (c) "Public welfare" means public assistance and social services;
40 (d) "Social services" means activities of the department in efforts to
41 bring about economic, social and vocational adjustment of families and per-
42 sons;

1 (e) "Public assistance" includes general assistance, old-age assis-
2 tance, aid to the blind, assistance to families with children, aid to the
3 disabled, primary care access and medical assistance;

4 (f) "General assistance" means direct assistance in cash, direct as-
5 sistance in kind, and supplementary assistance;

6 (g) "Direct assistance in cash" means money payments to eligible people
7 not classified as old-age assistance, or aid to the blind, or assistance to
8 families with children, or aid to the disabled, or medical assistance;

9 (h) "Direct assistance in kind" means payments to others on behalf of
10 a person or family for food, rent, clothing, and other normal subsistence
11 needs;

12 (i) "Supplementary assistance" means payments to others on behalf of a
13 person or family for transportation and costs incidental to vocational ad-
14 justment or employment;

15 (j) "Old-age assistance" means money payments to or on behalf of needy
16 aged people;

17 (k) "Aid to the blind" means money payments to or on behalf of blind peo-
18 ple who are needy;

19 (l) "Assistance to families with children" means money payments, di-
20 rect assistance in kind, supplementary assistance, and social services tar-
21 geted toward self-sufficiency with respect to or on behalf of eligi-
22 ble families with children;

23 (m) "Aged" means any person sixty-five (65) years or older;

24 (n) "Aid to the disabled" means money payments to or on behalf of needy
25 individuals who are disabled, and whose disability prevents self-support
26 through employment for a period of at least one (1) year from the date of
27 onset of the disability;

28 (o) "Medical assistance" means payments for part or all of the cost of
29 such care and services allowable within the scope of title XIX of the federal
30 social security act as amended as may be designated by department rule;

31 (p) "Provider" means any individual, partnership, association, cor-
32 poration or organization, public or private, who provides residential or
33 assisted living services, certified family home services, nursing facility
34 services, services offered pursuant to the medicaid program, or services
35 offered pursuant to titles IV or XX of the social security act;

36 (q) "Needy" means the condition where a person or family does not have
37 income and available resources in accordance with the provisions of section
38 56-210, Idaho Code;

39 (r) "Primary care access" means a program in which payments are made to
40 eligible providers for the primary care management and care coordination of
41 adults between nineteen (19) and sixty-four (64) years of age whose income is
42 under one hundred percent (100%) of the federal poverty level.

43 SECTION 2. That Section 56-203, Idaho Code, be, and the same is hereby
44 amended to read as follows:

45 56-203. POWERS OF STATE DEPARTMENT. The state department shall have
46 the power to:

47 (1) Enter into contracts and agreements with the federal government
48 through its appropriate agency or instrumentality whereby the state of Idaho
49 shall receive federal grants-in-aid or other benefits for public assistance

1 or public welfare purposes under any act or acts of congress heretofore or
2 hereafter enacted;

3 (2) Cooperate with the federal government in carrying out the purposes
4 of any federal acts pertaining to public assistance or welfare services, and
5 in other matters of mutual concern;

6 (3) Cooperate with county governments and other branches of government
7 and other agencies, public or private, in administering and furnishing pub-
8 lic welfare services;

9 (4) Enter into reciprocal agreements with other states relative to the
10 provisions of public assistance and welfare services to residents and non-
11 residents;

12 (5) Initiate and administer public assistance and social services for
13 persons with physical or mental disabilities;

14 (6) Establish such requirements of residence for public assistance un-
15 der this act as may be deemed advisable, subject to any limitations imposed
16 in this act;

17 (7) Define persons entitled to medical assistance in such terms as will
18 meet requirements for federal financial participation in medical assistance
19 payments;

20 (8) Accept the legal custody of children committed to it by district
21 courts of this state under the Child Protective Act, to provide protective
22 supervision as defined therein, to place children for adoption when such
23 children are in the legal custody of the state department and are legally
24 available for adoption and to exercise consent to adoption when the author-
25 ity to do so is vested in the department by court order or legally authorized
26 parental relinquishment;

27 (9) Determine the amount, duration and scope of care and services to be
28 purchased as medical assistance on behalf of needy eligible individuals;

29 (10) Manage and operate the southwest Idaho treatment center at Nampa,
30 Idaho; and

31 (11) Initiate and administer the primary care access program.

32 SECTION 3. That Chapter 2, Title 56, Idaho Code, be, and the same is
33 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
34 ignated as Section 56-270, Idaho Code, and to read as follows:

35 56-270. SHORT TITLE. Sections 56-270 through 56-278, Idaho Code,
36 shall be known and may be cited as the "Primary Care Access Act."

37 SECTION 4. That Chapter 2, Title 56, Idaho Code, be, and the same is
38 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
39 ignated as Section 56-271, Idaho Code, and to read as follows:

40 56-271. LEGISLATIVE INTENT. The legislature finds that Idahoans whose
41 income is under one hundred percent (100%) of the federal poverty level,
42 who are not eligible for medicaid or the advanced premium tax credit and who
43 are not otherwise eligible or enrolled in an employer-sponsored or a gov-
44 ernment-subsidized health care plan do not have adequate access to primary
45 care and care coordination. The legislature further finds that these Ida-
46 hoans would benefit from access to community resources to strengthen their
47 self-reliance. It is therefore the intent of the legislature to provide pri-

1 mary care access and care coordination to these Idahoans in order to improve
2 their health outcomes, reduce demand for emergency room treatment and the
3 need for hospitalization, and assist them in accessing community resources
4 to improve self-reliance. The legislature hereby creates the primary care
5 access program and directs the state department of health and welfare to
6 develop the program in a manner consistent with the provisions of this act.

7 SECTION 5. That Chapter 2, Title 56, Idaho Code, be, and the same is
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
9 ignated as Section 56-272, Idaho Code, and to read as follows:

10 56-272. CREATION OF PRIMARY CARE ACCESS PROGRAM FUND. There is hereby
11 created and established in the state treasury a fund to be known as the pri-
12 mary care access program fund. All moneys now or hereafter in the primary
13 care access program fund are hereby dedicated for the purpose of providing
14 enhanced care coordination of primary and preventative care with a focus on
15 managing chronic conditions for uninsured individuals whose income falls
16 below one hundred percent (100%) of the federal poverty level and who are
17 not currently eligible for medicaid or for tax credits that would enable
18 such individuals to purchase private insurance on the Idaho health insur-
19 ance exchange. The state department of health and welfare is charged with
20 the administration of this fund for the purposes specified in this act. The
21 current fiscal year's appropriation and any moneys in excess thereof shall
22 be carried over to the next fiscal year for the purpose of this fund. The
23 moneys expended on behalf of this program shall not exceed the moneys in the
24 fund. All claims against the fund shall be examined, audited and allowed in
25 the manner now or hereafter provided by law for claims against the state of
26 Idaho.

27 SECTION 6. That Chapter 2, Title 56, Idaho Code, be, and the same is
28 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
29 ignated as Section 56-273, Idaho Code, and to read as follows:

30 56-273. DEFINITIONS. As used in this act:

31 (1) "Care coordination" means the management of a program partici-
32 pant's primary care to accomplish cost-effective care by coordination of
33 health services.

34 (2) "Department" means the state department of health and welfare.

35 (3) "Director" means the director of the state department of health and
36 welfare.

37 (4) "Participant" means a person eligible for and enrolled in the pri-
38 mary care access program as created by this act.

39 (5) "Primary care" means professional comprehensive health services,
40 including health education and disease prevention, initial assessment of
41 health problems, treatment of acute and chronic health problems and the
42 overall management of an individual's health care services as provided by an
43 Idaho-licensed provider.

44 (6) "Primary care access program" or "program" means the program es-
45 tablished by this act, in which participants receive primary care access and
46 care coordination from eligible providers.

1 (7) "Provider" means an Idaho-licensed physician, physician assis-
2 tant, nurse practitioner or clinical nurse specialist who is eligible to
3 provide primary care access program services to participants.

4 (8) "Sliding fee" means the contribution by a participant for primary
5 care received under the program, which fee shall be determined based on the
6 participant's income.

7 SECTION 7. That Chapter 2, Title 56, Idaho Code, be, and the same is
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
9 ignated as Section 56-274, Idaho Code, and to read as follows:

10 56-274. POWERS AND DUTIES OF THE DIRECTOR. The director shall and is
11 hereby authorized to:

- 12 (1) Initiate and administer the primary care access program;
- 13 (2) Establish eligibility criteria for providers and participants;
- 14 (3) Establish provider reporting requirements for participant manage-
15 ment and health quality outcomes;
- 16 (4) Promulgate, adopt and enforce such rules as may be necessary or
17 proper to carry out the provisions of this act; and
- 18 (5) Enter into contracts with eligible providers who will provide pri-
19 mary care access and care coordination services to participants consistent
20 with the provisions of this act and any rules promulgated hereunder.

21 SECTION 8. That Chapter 2, Title 56, Idaho Code, be, and the same is
22 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
23 ignated as Section 56-275, Idaho Code, and to read as follows:

24 56-275. PARTICIPANT ELIGIBILITY. A person shall be eligible for en-
25 rollment in the primary care access program upon a finding by the department
26 that:

- 27 (1) The department's application for the primary care access program
28 has been completed and signed by the person or the person's authorized repre-
29 sentative;
- 30 (2) The person's income is verified to be less than one hundred percent
31 (100%) of the federal poverty level according to department rule;
- 32 (3) The person is not eligible for medicaid or the advanced premium tax
33 credit and is not eligible or enrolled in an employer-sponsored or govern-
34 ment-subsidized health care plan;
- 35 (4) The person is verified to be a United States citizen and an Idaho
36 resident according to department rule; and
- 37 (5) The person's household composition and employment have been veri-
38 fied according to department rule.

39 SECTION 9. That Chapter 2, Title 56, Idaho Code, be, and the same is
40 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
41 ignated as Section 56-276, Idaho Code, and to read as follows:

42 56-276. PROVIDER ELIGIBILITY. A provider shall be eligible for pay-
43 ment from the department for the provision of primary care access and care
44 coordination services to program participants upon a finding by the director
45 that the provider has entered into a primary care access program agreement

1 with the department. As part of the agreement, the provider shall submit
2 certain information, as provided in rule, to the department regarding pro-
3 gram participants on a periodic basis. This information shall include, but
4 shall not be limited to:

- 5 (1) Utilization data, such as the number of participants assessed; and
6 (2) Clinical data, such as the number of participants with a diabetes
7 diagnosis.

8 SECTION 10. That Chapter 2, Title 56, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 56-277, Idaho Code, and to read as follows:

11 56-277. PROGRAM TERM, ENROLLMENT AND SERVICES. (1) Persons determined
12 by the department to be eligible for the program shall be annually enrolled
13 in the program based on availability. If a person is eligible but cannot be
14 enrolled due to lack of availability, the person shall be placed on a waiting
15 list and enrolled if and when possible.

16 (2) Participants will be annually reassessed for eligibility and must
17 satisfy the criteria for active participation, as set forth in rule, in order
18 to continue in the program.

19 (3) Participants will be assigned by the department to a provider par-
20 ticipating in the primary care access program based on location and will re-
21 ceive primary care access and care coordination services from that provider.

22 SECTION 11. That Chapter 2, Title 56, Idaho Code, be, and the same is
23 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
24 ignated as Section 56-278, Idaho Code, and to read as follows:

25 56-278. PAYMENTS AND SLIDING FEES. (1) A provider participating in the
26 program will receive a monthly fee for each participant who receives primary
27 care access and care coordination services from the provider.

28 (2) A provider participating in the program will charge a sliding fee
29 to each participant receiving primary care access and care coordination ser-
30 vices from the provider, which fee shall be based on the participant's income
31 and according to criteria set forth in rule.

32 SECTION 12. This act shall be in full force and effect on and after July
33 1, 2016. Participant enrollment in the program shall be effective January 1,
34 2017, and thereafter as determined by the provisions of this act.

35 SECTION 13. The provisions of this act shall be null, void and of no
36 force and effect on and after June 30, 2021.