

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 631

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO INTERMEDIATE CARE FACILITY ASSESSMENT; AMENDING SECTION 56-1603, IDAHO CODE, TO REMOVE A PROVISION RELATING TO FUNDS FOR MEDICAID TRUSTEE AND BENEFIT EXPENDITURES; AND AMENDING SECTION 26, CHAPTER 164, LAWS OF 2011, TO REMOVE A SUNSET CLAUSE.

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

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

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

(2) Moneys in the fund shall consist of:

(a) All moneys collected or received by the department from ICF assessments required pursuant to this chapter;

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

(c) Any interest or penalties levied in conjunction with the administration of this chapter; and

(d) Any appropriation or federal funds.

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

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

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

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

(d) To increase ICF payments to fund covered services to medicaid beneficiaries 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 and any subsequent fiscal years as applicable, within medicare upper  
4 payment limits.

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

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

13 ~~(h) To provide state matching funds for department medicaid trustee~~  
14 ~~and benefit expenditures to the extent that a general fund shortfall~~  
15 ~~exists, or as limited by the maximum assessment as set forth in section~~  
16 ~~56-1604(2), Idaho Code, whichever is less.~~

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

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