

DBH Statute Waiver Requests

Idaho Code Section to be waived:	66-329 (4) Hospitalization of the Mentally Ill APPROVED
Summary.	Waive requirement for a second D.E.
Statutory Language waived.	66-329(4). Upon receipt of an application for commitment, the court shall, within forty-eight (48) hours, appoint another designated examiner to make a personal examination of the proposed patient, or if the proposed patient has not been examined, the court shall appoint two (2) designated examiners to make individual personal examinations of the proposed patient and may order the proposed patient to submit to an immediate examination. If neither designated examiner is a physician, the court shall order a physical examination of the proposed patient. At least one (1) designated examiner shall be a psychiatrist, licensed physician or licensed psychologist. The designated examiners shall report to the court their findings within the following seventy-two (72) hours as to the mental condition of the proposed patient and his need for custody, care, or treatment by a facility. The reports shall be in the form of written certificates that shall be filed with the court. The court may terminate the proceedings and dismiss the application without taking any further action in the event the reports of the designated examiners are to the effect that the proposed patient is not mentally ill or, although mentally ill, is not likely to injure himself or others or is not gravely disabled due to mental illness. If the proceedings are terminated, the proposed patient shall be released immediately.
Reason for waiving	<p>Many Idahoans are experiencing stress, fear and anxiety in response to the COVID-19 crisis. Coping with these emotional impacts can be overwhelming and the DBH regional offices are experiencing a significant uptick in the number of Designated Examiners being ordered. There are not enough appointed senior Designated Examiners/Dispositions available to respond to the increase and meet the two exam requirement in the statute in the time frame established. Waiving this section of the statute will allow Designated Examiners to submit findings from the first exam as the basis for court determination. This will result in the ability to respond faster and more efficiently to the community need.</p> <p>Additionally, many of our senior DEs are in an age group which puts them in a high risk category. If they were to be excused the pool of candidates would be even smaller in a time of great need.</p>
How the public will be protected	<p>The court will still have the ability to appoint a second DE if there is a question of public safety.</p> <p>It is established protocol that the first DE consult with the treating Psychiatrist and treatment team in the facility.</p>

	<p>Therefore they are able to consult with others in regard to the care and treatment of the client while evaluating the legal criteria for the continuation of the hold.</p> <p>The exemption will allow the client to continue through the Designated Exam and Court proceedings in the legal timeframes. When court is either dismissed or continued it keeps the client in the process and delays treatment. This results in potential damage to a client psychiatrically, increases their level of stress during a time of need and instability, and prevents the timely treatment, recovery and release of the client.</p>
Financial Impact	<p>The savings from not having a senior Designated Examiner appointed would be to the counties. It is their responsibility to appoint these DEs and they incur the cost for their evaluations and time in court.</p> <p>Maintaining a timely court proceeding would save money in that the clients would receive necessary and prompt care and treatment allowing them to recover and leave the hospital more quickly. Frequently this can prevent further decompensation and the possibility of a lengthy state hospital stay. This would financially impact all insurance carriers including Medicaid, the State of Idaho through the state hospital funding, counties of residence by way of their indigent funds, and local hospitals who may write off bills.</p>

Idaho Code Section to be waived:	39-309 Alcohol and Intoxication Treatment Act APPROVED
Summary.	Waive co-pays.
Statutory Language Waived.	<p>39-309. PAYMENT FOR TREATMENT — FINANCIAL ABILITY OF PATIENTS.</p> <p>(1) If treatment is provided by an approved public treatment facility and the patient has not paid the charge therefor, the department is entitled to any income or payment received by the patient or to which he may be entitled for the services rendered, and to any payment from any public or private source available to the department because of the treatment provided to the patient.</p> <p>(2) A patient in an approved treatment facility, or the estate of the patient, or a person obligated to provide for the cost of treatment and having sufficient financial ability, is liable to the department for the cost of transportation, maintenance and treatment of the patient therein in accordance with rates established by the department.</p> <p>(3) The board of health and welfare shall adopt rules and regulations governing financial ability that take into consideration the income, savings and other personal and real property of the person required to pay, as well as any support being furnished by him to any person whom he may be required by law to support.</p>

Reason for waiving	The COVID-19 pandemic and the Governor’s Stay Home order has had a detrimental financial impact to the population served under this statute. DBH is requesting this section be waived to allow DBH to lift co-pays for clients served through the DBH MSC and reimburse providers at 100% of services.
How the public will be protected	There is no threat to public safety. This waiver would simply provide some financial relief to providers and clients.
Financial Impact	There is no anticipated impact to the state financially. Services provided through the DBH MSC are funded with Federal BG dollars.

Idaho Code Section to be waived:	39-3137 Regional Behavioral Health Services APPROVED
Summary	Waive Co-pays.
Statutory Language Waived.	39-3137. SERVICES TO BE NONDISCRIMINATORY — FEES. No regional behavioral health center or regional behavioral health board shall refuse service to any person because of race, color or religion or because of ability or inability to pay. Persons receiving services will be charged fees in keeping with a fee schedule prepared by the state behavioral health authority. Fees collected by the regional behavioral health center shall become part of its budget and utilized at the direction of the behavioral health authority. Fees collected by the regional behavioral board shall become part of its budget and utilized at the direction of the executive board or governing entity.
Reason for waiving	The COVID-19 pandemic and the Governor’s Stay Home order has had a detrimental financial impact to the population served under this statute. DBH is requesting this section be waived to allow DBH to lift co-pays for clients served through Regional Behavioral Health Services.
How the public will be protected	There is no threat to public safety. This waiver would simply provide some financial relief to clients.
Financial Impact	DBH does not collect a significant amount in fees from clients billed for services. Any fees collected become part of the DBH budget.

Idaho Code Section to be waived:	16-2405 Children’s Mental Health Services APPROVED
Summary	Waive Co-pays.
Statutory Language Waived.	16-2405. CHARGES TO PARENTS. Parents may be charged for services provided to their children by the department according to the sliding fee scale authorized by section 16-2433, Idaho Code, provided that all services which are part of the child’s free appropriate public education as defined in the individuals with disabilities education act, 20 U.S.C. 1400 et seq., as amended, shall be provided to the child at no cost to the parents.
Reason for waiving	The COVID-19 pandemic and the Governor’s Stay Home order has had a detrimental financial impact to the population served under this statute. DBH is requesting this

	section be waived to allow DBH to lift co-pays for clients served through Regional Behavioral Health Services.
How the public will be protected	There is no threat to public safety. This waiver would simply provide some financial relief to families.
Financial Impact	DBH does not collect a significant amount in fees from families billed for services. Any fees collected become part of the DBH budget.

Idaho Code Section to be waived:	54-2916 (A) 3 and 5 Speech and Hearing Services Act APPROVED
Summary.	Waive certain requirements for state hospitals to use sign language interpreter.
Statutory Language Waived.	54-2916A. QUALIFICATIONS FOR LICENSURE — SIGN LANGUAGE INTERPRETER. *** (3) Provide evidence satisfactory to the board of having successfully passed a nationally recognized competency examination approved by the board or achieved certification defined by board rule; *** (5) Provide documentation that the applicant has successfully passed an examination approved by the board.
Reason for waiving	The State Hospitals are required to provide psychiatric intervention, medication, treatment and restoration to involuntarily committed individuals. The person is expected to engage in the decision making for their care and maximize the level of informed consent for all treatment. As such, persons requiring and accessing sign language services during their treatment episode have been or will be negatively impacted as “Licensed” interpreters may not be accessible. Further, SHN has accepted admission of a person who is deaf and mute requiring restoration of competency to stand trial. Limiting access to an interpreter will impede this process and unduly elongate the restoration process. Having access to local interpreter who may not be Licensed in accordance with this code section will afford the Hospital the ability to provide quality care and engage the patient in active treatment with their end result of a shorter inpatient stay.
How the public will be protected	DBH is limiting the use of the request to Idaho’s two psychiatric hospitals. There is no impact to the safety of the public.
Financial Impact	There is no impact to the state financially associated with this request.