

# RULES FOR 2022 LEGISLATIVE SESSION



Updated 1/14/22 (replaces version dated 12/29/2021)

Rows highlighted in purple are omnibus dockets  
 Rows highlighted in blue are required 5-year chapter rewrites  
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| CHAPTER, DOCKET & AUTHORITY                                 | CHAPTER TITLE                                    | EFFECTIVE DATE | DESCRIPTION   | PRESENTER  | CONTROL-VERSAL? | PUBLIC PARTICIPATION      |
|---|--|----------------|---|--|-----------------|---------------------------|
| <b>Non-Fee Docket &amp; Chapter Changes</b>                 |  |                |   |  |                 |                           |
| <b>16-0000-2100</b>   | All DHW Non-Fee rules                            | Sine Die       | All the DHW Non-Fee rules that were not reauthorized due to the 2021 Legislature.   | Tamara Priscock<br>208.859.7404<br>Tamara.priscock@dhw.idaho.gov | No              | Public Hearing<br>11/3/21 |
| <b>16.01.03</b><br>Temp Rule<br>Eff. 8/19/21<br>Board/Joint | EMS – Agency Licensing Requirements              | Sine Die       | These changes provide a waiver process to allow part-time Advance Life Support or Intermediate Life Support coverage for prehospital ambulances struggling with staffing issues, or agencies that sometimes have personnel available who can offer more advanced patient care services. |  |                 | Informal Meetings         |
| <b>16.01.05</b><br>REWRITE<br>Board/Joint                   | EMS – Education, Instructor, & Exam Requirements | Sine Die       | This rulemaking was conducted to comply with Executive Order 2020-01 which requires agencies to rewrite IDAPA chapters every 5 years on an approved schedule.   |  |                 | 4 Negotiated Rulemakings  |
| <b>16.02.23</b><br>REWRITE<br>Director                      | Indoor Smoking                                   | Sine Die       | This rulemaking was conducted to comply with Executive Order 2020-01 which requires agencies to rewrite IDAPA chapters every 5 years on an approved schedule.   |  |                 | N/A                       |
| <b>16.03.06</b><br>REWRITE<br>Director                      | Refugee Medical Assistance                       | Sine Die       | This rulemaking was conducted to comply with Executive Order 2020-01 which requires agencies to rewrite IDAPA chapters every 5 years on an approved schedule.   |  |                 | Negotiated Rulemaking     |
| <b>16.03.07</b><br>REWRITE<br>Board                         | Home Health Agencies                             | Sine Die       | This rulemaking was conducted to comply with Executive Order 2020-01 which requires agencies to rewrite IDAPA chapters every 5 years on an approved schedule.   |  |                 | Negotiated Rulemaking     |
| <b>16.03.09</b><br>REWRITE<br>Director                      | Medicaid Basic Plan Benefits                     | 7/1/2021       | This rulemaking was conducted to align rules with Idaho statute, to continue flexibilities offered during the COVID emergency declaration, and make changes that contribute to a more robust provider network.  |  |                 | Public Hearing            |
| <b>16.03.10</b><br>REWRITE<br>Director                      | Medicaid Enhanced Plan Benefits                  | 7/1/2021       | This rulemaking was conducted to align rules with Idaho statute and to continue flexibilities offered during the COVID emergency declaration.   |  |                 | Public Hearing            |
| <b>16.03.21</b><br>REWRITE<br>Board                         | Developmental Disabilities Agencies              | Sine Die       | This rulemaking was conducted to comply with Executive Order 2020-01 which requires agencies to rewrite IDAPA chapters every 5 years on an approved schedule.   |  |                 | 6 Negotiated Rulemakings  |
| <b>16.03.23</b><br>REWRITE<br>Director                      | Uniform Assessments for State-Funded Clients     | Sine Die       | This rulemaking was conducted to comply with Executive Order 2020-01 which requires agencies to rewrite IDAPA chapters every 5 years on an approved schedule.   |  |                 | N/A                       |
| <b>16.05.04</b>   | ID Council on Domestic Violence &                | Sine Die       | This change removed an Incorporation By Reference that was inappropriate for this chapter.  |  |                 | N/A                       |

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| Council  | Victim Assistance Grant Funding                           |                |   |           |                  |                          |
| <b>16.05.07</b><br>REWRITE<br>Director                                     | Investigation & Enforcement of Fraud, Abuse, & Misconduct | Sine Die       | This rulemaking was conducted to comply with Executive Order 2020-01 which requires agencies to rewrite IDAPA chapters every 5 years on an approved schedule. |           |                  | 2 Negotiated Rulemakings |
| <b>16.06.13</b><br>REWRITE<br>Director                                     | Emergency Assistance for Families & Children              | Sine Die       | This rulemaking was conducted to comply with Executive Order 2020-01 which requires agencies to rewrite IDAPA chapters every 5 years on an approved schedule. |           |                  | 2 Negotiated Rulemakings |
| <b>16.07.17</b><br>REWRITE<br>Joint  | Substance Use Disorder Services                           | Sine Die       | This rulemaking was conducted to comply with Executive Order 2020-01 which requires agencies to rewrite IDAPA chapters every 5 years on an approved schedule. |           |                  | 2 Negotiated Rulemakings |
| <b>16.07.39</b><br>REWRITE<br>Director                                     | Designated Examiners & Dispositioners                     | Sine Die       | This rulemaking was conducted to comply with Executive Order 2020-01 which requires agencies to rewrite IDAPA chapters every 5 years on an approved schedule. |           |                  | 2 Negotiated Rulemakings |
| <b>Non-Fee Chapters with NO changes:</b>                                   |   |                |   |           |                  |                          |
| 16.01.02, EMS - Rule Definitions   |   |                | 16.03.11, Intermediate Care Facilities for Individuals with Intellectual Disabilities   |           |                  |                          |
| 16.01.06, EMS - Data Collection and Submission Requirements                |   |                | 16.03.13, Consumer-Directed Services  |           |                  |                          |
| 16.01.12, EMS - Complaints, Investigations, and Disciplinary Actions       |   |                | 16.03.14, Hospitals   |           |                  |                          |
| 16.02.02, Idaho EMS Physician Commission                                   |   |                | 16.03.17, Medicare/Medicaid Coordinated Plan Benefits   |           |                  |                          |
| 16.02.06, Quality Assurance for Idaho Clinical Laboratories                |   |                | 16.03.24, The Medically Indigent Program  |           |                  |                          |
| 16.02.10, Idaho Reportable Diseases  |   |                | 16.03.25, Idaho Medicaid Promoting Interoperability (PI) Program  |           |                  |                          |
| 16.02.11, Immunization Requirements Licensed Daycare Facility Attendees    |   |                | 16.04.14, Low-Income Home Energy Assistance Program (LIHEAP)  |           |                  |                          |
| 16.02.12, Newborn Screening  |   |                | 16.04.17, Residential Habilitation Agencies   |           |                  |                          |
| 16.02.15, Immunization Requirements for Idaho School Children              |   |                | 16.05.01, Use and Disclosure of Department Records  |           |                  |                          |
| 16.02.19, Idaho Food Code  |   |                | 16.05.03, Contested Case Proceedings and Declaratory Rulings  |           |                  |                          |
| 16.02.24, Clandestine Drug Laboratory Cleanup                              |   |                | 16.06.05, Alleged Medical Neglect of Disabled Infants   |           |                  |                          |
| 16.03.01, Eligibility for Health Care Assistance for Families and Children |   |                | 16.06.12, Idaho Child Care Program (ICCP)   |           |                  |                          |
| 16.03.02, Skilled Nursing Facilities                                       |   |                | 16.07.19, Certification of Peer Support Specialists and Family Support Partners   |           |                  |                          |
| 16.03.04, Idaho Food Stamp Program   |   |                | 16.07.25, Prevention of Minors' Access to Tobacco Products  |           |                  |                          |
| 16.03.05, Eligibility for Aid to the Aged, Blind, and Disabled (AABD)      |   |                | 16.07.33, Adult Mental Health Services  |           |                  |                          |
| 16.03.08, Temporary Assistance for Families in Idaho (TAFI)                |   |                | 16.07.37, Children's Mental Health Services   |           |                  |                          |

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IDAHO DEPARTMENT OF  
HEALTH & WELFARE

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## Fee Docket & Chapter Changes

|  |  |          |  |  |    |  |
|--|--|----------|--|--|----|--|
| <b>16-0000-2100F</b>                           | All DHW Fee rules                      | Sine Die | All the DHW Fee rules that were not be reauthorized due to the 2021 Legislature.   | Tamara Prisoek<br>208.859.7404<br>Tamara.prisoek@dhw.idaho.gov | No | Public Hearing<br>11/3/21                        |
| <b>16.02.08</b><br>REWRITE<br>Board            | Vital Statistics Rules                 | Sine Die | This rulemaking was conducted to comply with Executive Order 2020-01 which requires agencies to rewrite IDAPA chapters every 5 years on an approved schedule.  |  |    | Negotiated Rulemaking                            |
| <b>16.02.25</b><br>REWRITE<br>Director         | State Laboratory Fees                  | Sine Die | This rulemaking was conducted to comply with Executive Order 2020-01 which requires agencies to rewrite IDAPA chapters every 5 years on an approved schedule.  |  |    | 3 Negotiated Rulemakings                         |
| <b>16.02.26</b><br>REWRITE<br>Director         | Children's Special Health Program      | Sine Die | This rulemaking was conducted to comply with Executive Order 2020-01 which requires agencies to rewrite IDAPA chapters every 5 years on an approved schedule.  |  |    | 2 Negotiated Rulemakings                         |
| <b>16.03.22</b><br>Regular Rulemaking<br>Board | Residential Assisted Living Facilities | Sine Die | This rulemaking was conducted to reduce regulatory burden by replacing the Informal Dispute Resolution process with alternative steps for facilities to appeal enforcement actions taken against their license, and to clarify which Assistance with Medications course is acceptable to satisfy the staff training requirement for licensure of assisted living facilities. |  |    | N/A – main change was made due to court decision |
| <b>16.06.01</b><br>Regular Rulemaking<br>Joint | Child & Family Services                | Sine Die | H0336 passed during the 2021 Legislative Session to include Extended Foster Care in 16.06.01. Federal Law 42 U.S.C. 675(8)(B)(iv), provides additional clarity to the requirements for Extended Foster Care. It clarifies & updates age & eligibility requirements and defines "extended foster care" & "child" to ensure alignment across the rule chapter                  |  |    | N/A<br>Complying to statute                      |
| <b>16.06.02</b><br>Regular Rulemaking<br>Joint | Child Care Licensing                   | Sine Die | During the 2021 legislative session HB 336 mandated that the Department implement Extended Foster Care for Youth to age 21. This mandate requires a modification to existing definitions in childcare licensing rules to clarify that youth may remain in a licensed foster home until they reach age 21.  |  |    | N/A<br>Complying to statute                      |

### Fee Chapters with NO changes:

- 16.01.07, "Emergency Medical Services (EMS) - Personnel Licensing Requirements"
- 16.02.01 "Idaho Time Sensitive Emergency System Council"
- 16.02.13, "State of Idaho Drinking Water Laboratory Certification Program"
- 16.02.14, "Construction and Operation of Public Swimming Pools"
- 16.02.27, "Idaho Radiation Control Rules"
- 16.03.03 "Child Support Services"

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|                             | 16.03.18, "Medicaid Cost-Sharing"                                 |                |             |           |                |                      |
|                             | 16.03.19, "Certified Family Homes"                                |                |             |           |                |                      |
|                             | 16.04.07 "Fees for State Hospital North and State Hospital South" |                |             |           |                |                      |
|                             | 16.05.06, "Criminal History and Background Checks"                |                |             |           |                |                      |
|                             | 16.07.01, "Behavioral Health Sliding Fee Schedules"               |                |             |           |                |                      |