

Dear Senators VanOrden, Bjerke, Wintrow, and
Representatives Vander Woude, Erickson, Rubel:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of
the Department of Health and Welfare:

IDAPA 16.03.22 - Residential Assisted Living Facilities-Temporary and Proposed Rule (Docket
No. 16-0322-2601).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 10/30/2026. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/27/2026.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Terri Kondeff
Director

Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee
FROM: Legislative Drafting Attorney - Kyle Slominski
DATE: October 13, 2026
SUBJECT: Department of Health and Welfare

IDAPA 16.03.22 - Residential Assisted Living Facilities-Temporary and Proposed Rule (Docket No. 16-0322-2601)

Summary and Stated Reasons for the Rule

The Department of Health and Welfare submits notice of proposed rulemaking at IDAPA 16.03.22 - Residential Assisted Living Facilities (Docket No. 16-0322-2601). The Department states that the rulemaking is being undertaken to update Section 110.02 to eliminate a five hundred dollar (\$500) building evaluation fee because a review of the rule indicated that the Department did not have clear statutory authority to charge the fee based on a 2025 amendment to Section 39-3340(3)(b), Idaho Code.

Negotiated Rulemaking / Fiscal Impact

The Department of Health and Welfare states that negotiated rulemaking was not conducted because the rulemaking eliminates a fee that has no statutory authority and no negotiation was necessary.

Statutory Authority

The proposed rule appears to be within the statutory authority granted to the Department of Health and Welfare pursuant to Sections 39-3305 and 39-3358, Idaho Code.

cc: Department of Health and Welfare
Jared Larsen

*** PLEASE NOTE ***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

Paul Headlee, Deputy Director Legislative Services Office	Matt Drake, Manager Research & Legislation	Keith Bybee, Manager Budget & Policy Analysis	April Renfro, Manager Legislative Audits	Norma Clark, Manager Information Technology
--	---	--	---	--

Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

Tel: 208-334-2475
legislature.idaho.gov

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.22 – RESIDENTIAL ASSISTED LIVING FACILITIES

DOCKET NO. 16-0322-2601

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

GOVERNOR’S STATEMENT: An earlier effective date prior to legislative review is required in accordance with the provisions of Idaho Code Section [67-5226](#)(2) because this rulemaking reduces a regulatory burden that would otherwise impact individuals or businesses.

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2026.

AUTHORITY: In compliance with Idaho Code Sections [67-5221](#)(1) and [67-5226](#) notice is hereby given that this agency has adopted a temporary rule and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections [39-3305](#) and [39-3358](#), Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Tuesday, October 20, 2026 1:30 p.m. (MT)
Join using the meeting link: https://teams.microsoft.com/meet/22145972287364?p=ES9Cc76TPcYYvqmCpk Meeting ID: 221 459 722 873 64 Passcode: Aw6kc2Ep Dial in by phone 1 972-454-4077 United States, Dallas Boise 1-208-609-5034 Phone conference ID: 447 013 552#

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rulemaking is being undertaken to update Section 110.02 to eliminate a \$500 building evaluation fee because a review of the rule indicated that the Department does not have clear statutory authority to charge the fee based on a 2025 amendment to Section [39-3340](#)(3)(b), Idaho Code.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

Funds generated by the eliminated fee are under \$10,000 per fiscal year. No negative impact to program operation or staffing is anticipated.

NEGOTIATED RULEMAKING: Pursuant to Idaho Code Section [67-5220](#)(2) negotiated rulemaking was not conducted because the rulemaking eliminates a fee that has no statutory authority and no negotiation was necessary.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Estela Cabrera at DHWRules@dhw.idaho.gov or by phone at (208) 334-5500.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 28, 2026.

DATED this 7th day of October, 2026.

Jared Larsen
Chief of Staff
Idaho Department of Health & Welfare
450 W. State Street, 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
(208) 334-5500 phone; (208) 334-6558 fax
DHWRules@dhw.idaho.gov

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 16-0322-2601
(Only Those Sections With Amendments Are Shown.)**

16.03.22 – RESIDENTIAL ASSISTED LIVING FACILITIES

110. FACILITY LICENSE APPLICATION.

01. License Application. License application forms are available online at the Licensing Agency's website at <http://assistedliving.dhw.idaho.gov>. The applicant must provide the following information: (3-15-22)

- a.** A copy of the Certificate of Assumed Business Name from the Idaho Secretary of State; (3-15-22)
- b.** A complete set of printed operational policies and procedures; (3-15-22)
- c.** A copy of the Purchase Agreement, Lease Agreement, or Deed; (7-1-26)
- d.** A detailed floor plan of the facility, including measurements of all rooms, or a copy of architectural drawings; and (7-1-26)
- e.** The following must be obtained: (7-1-26)
 - i.** Occupancy permit that the facility is located in a lawfully constituted fire district or affirmation that a lawfully constituted fire authority will respond to a fire at the facility; (7-1-26)
 - ii.** Occupancy permit that all wiring in the facility complies with current electrical codes; (7-1-26)
 - iii.** Occupancy permit or evidence that the facility meets local zoning codes for occupancy and local fire official documenting that the facility meets local fire codes for occupancy. (7-1-26)

02. Written Request for Building Evaluation. The applicant submits a request in writing to the Licensing Agency for a building evaluation. It must include the physical address of the building, the name, ~~and the~~ telephone number of the person who is to receive the building evaluation report, ~~and be accompanied by a five~~

~~hundred dollar (\$500) initial building evaluation fee.~~

~~(7-1-26)~~(7-1-26)T

03. Identification of the Licensed Administrator. The applicant must provide a copy of the administrator's license and criminal history background check. (7-1-26)