

IN THE HOUSE OF REPRESENTATIVES
HOUSE CONCURRENT RESOLUTION NO. 39
BY HEALTH AND WELFARE COMMITTEE

1 A CONCURRENT RESOLUTION
2 STATING FINDINGS OF THE LEGISLATURE AND APPROVING PENDING AND TEMPORARY
3 RULES OF THE DEPARTMENT OF HEALTH AND WELFARE AND THE DIVISION OF OC-
4 CUPATIONAL AND PROFESSIONAL LICENSES REVIEWED BY THE HOUSE HEALTH AND
5 WELFARE COMMITTEE AND THE SENATE HEALTH AND WELFARE COMMITTEE WITH EX-
6 CEPTIONS.

7 Be It Resolved by the Legislature of the State of Idaho:

8 WHEREAS, pursuant to Section 67-5291, Idaho Code, the Legislature must
9 approve pending and temporary administrative rules by adoption of a concur-
10 rent resolution; and

11 WHEREAS, pursuant to the provisions of Section 67-5291, Idaho Code, any
12 pending or temporary rule that is not approved by adoption of a concurrent
13 resolution shall expire upon adjournment sine die of the legislative session
14 during which the agency submits the pending rule to the Legislature for re-
15 view; and

16 WHEREAS, the House Health and Welfare Committee and the Senate Health
17 and Welfare Committee reviewed pending and temporary rules adopted by the
18 Department of Health and Welfare and pending rules adopted by the Division of
19 Occupational and Professional Licenses; and

20 WHEREAS, pursuant to Section 56-202, Idaho Code, the Interim Director
21 of the Department of Health and Welfare vacated IDAPA 16.05.03, Contested
22 Case Proceedings and Declaratory Rulings, Docket No. 16-0503-2301, on which
23 the committees took no action; and

24 WHEREAS, it is the finding of the Legislature that certain rules of the
25 Department of Health and Welfare and the Division of Occupational and Pro-
26 fessional Licenses are not consistent with legislative intent; and

27 WHEREAS, the Legislature finds that it is in the public interest to
28 adopt this resolution.

29 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Ses-
30 sion of the Sixty-seventh Idaho Legislature, the House of Representatives
31 and the Senate concurring therein, that the following pending and tempo-
32 rary rules adopted by the Department of Health and Welfare and the Division
33 of Occupational and Professional Licenses, pursuant to the Administrative
34 Procedure Act and submitted through the Office of the Administrative Rules
35 Coordinator to the Legislature for review during the 2024 legislative ses-
36 sion and reviewed by the House Health and Welfare Committee and the Senate
37 Health and Welfare Committee, be, and the same are hereby approved in their
38 entirety:

39 (1) 16.01.02, Emergency Medical Services (EMS) - Rule Definitions,
40 Docket No. 16-0102-2301;

41 (2) 16.01.03, Emergency Medical Services (EMS) - Agency Licensing Re-
42 quirements, Docket No. 16-0103-2301;

- 1 (3) 16.02.02, Idaho Emergency Medical Services (EMS) Physician Commis-
2 sion, Docket No. 16-0202-2301;
- 3 (4) 16.02.06, Quality Assurance for Clinical Laboratories, Docket No.
4 16-0206-2301;
- 5 (5) 16.02.24, Clandestine Drug Laboratory Cleanup, Docket No.
6 16-0224-2301;
- 7 (6) 16.02.25, State Laboratory Fees, Docket No. 16-0225-2301;
- 8 (7) 16.03.01, Eligibility for Health Care Assistance for Families and
9 Children, Docket No. 16-0301-2301;
- 10 (8) 16.03.04, Idaho Food Stamp Program, Docket No. 16-0304-2301;
- 11 (9) 16.03.05, Eligibility for Aid to the Aged, Blind, and Disabled
12 (AABD), Docket No. 16-0305-2301;
- 13 (10) 16.03.06, Refugee Medical Assistance, Docket No. 16-0306-2301;
- 14 (11) 16.03.09, Medicaid Basic Plan Benefits, Docket No. 16-0309-2301;
- 15 (12) 16.03.10, Medicaid Enhanced Plan Benefits, Docket No. 16-0310-
16 2101;
- 17 (13) 16.03.13, Consumer-Directed Services, Docket No. 16-0313-2101;
- 18 (14) 16.03.18, Medicaid Cost-Sharing, Docket No. 16-0318-2301;
- 19 (15) 16.03.22, Residential Assisted Living Facilities, Docket No.
20 16-0322-2301;
- 21 (16) 16.04.18, Children's Agencies and Residential Licensing, Docket
22 No. 16-0418-2301;
- 23 (17) 16.06.03, Daycare Licensing, Docket No. 16-0603-2301;
- 24 (18) 16.07.19, Peer Support Specialist and Family Support Partner Cer-
25 tification, Docket No. 16-0719-2301;
- 26 (19) 16.07.25, Prevention of Minors' Access to Tobacco or Electronic
27 Smoking Device Products, Docket No. 16-0725-2301;
- 28 (20) 16.07.39, Designated Examiners and Dispositioners, Docket No.
29 16-0739-2301;
- 30 (21) 16.03.14, Hospitals, Docket No. 16-0314-2301;
- 31 (22) 24.06.01, Rules for the Licensure of Occupational Therapists and
32 Occupational Therapy Assistants, Docket No. 24-0601-2301;
- 33 (23) 24.11.01, Rules of the State Board of Podiatry, Docket No.
34 24-1101-2301;
- 35 (24) 24.13.01, Rules Governing the Physical Therapy Licensure Board,
36 Docket No. 24-1301-2301;
- 37 (25) 24.15.01, Rules of the Idaho Licensing Board of Professional Coun-
38 selors and Marriage and Family Therapists, Docket No. 24-1501-2301;
- 39 (26) 24.16.01, Rules of the State Board of Dentistry, Docket No.
40 24-1601-2301;
- 41 (27) 24.27.01, Rules of the Idaho State Board of Massage Therapy, Docket
42 No. 24-2701-2301;
- 43 (28) 24.31.01, Rules of the Idaho State Board of Dentistry, Docket No.
44 24-3101-2301;
- 45 (29) 24.33.01, Rules of the Board of Medicine for the Licensure to Prac-
46 tice Medicine and Osteopathic Medicine in Idaho, Docket No. 24-3301-2301;
- 47 (30) 24.36.01, Rules of the Idaho State Board of Pharmacy, Docket No.
48 24-3601-2301; and
- 49 (31) 24.40.01, Rules of the Board of Naturopathic Health Care, Docket
50 No. 24-4001-2301.

1 BE IT FURTHER RESOLVED that the following pending rules adopted by
2 the Department of Health and Welfare and the Division of Occupational and
3 Professional Licenses, pursuant to the Administrative Procedure Act and
4 submitted through the Office of the Administrative Rules Coordinator to the
5 Legislature for review during the 2024 legislative session and reviewed by
6 the House Health and Welfare Committee and the Senate Health and Welfare
7 Committee, be, and the same are hereby approved, with the exception of:
8 (1) Child and Family Services, IDAPA 16.06.01, Docket No. 16-0601-2301,
9 the entire docket; (2) Foster Care Licensing, IDAPA 16.06.02, Docket No.
10 16-0602-2301, final rule Section 010., Subsection 08., because the defini-
11 tion does not match what is contained in Idaho Code, and final rule and pend-
12 ing changes Section 402., Subsection 02., because subjective criteria is not
13 provided for in Idaho Code, only; and (3) Rules of the State Board of Social
14 Work Examiners, IDAPA 24.14.01, Docket No. 24-1401-2301, Section 450.,
15 Subsection 02.a., only, are hereby rejected and not approved, and thereby
16 pursuant to Section 67-5291, Idaho Code, shall expire upon adjournment sine
17 die of the legislative session and be null, void, and of no force and effect.