

THE OFFICE OF THE GOVERNOR

EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE

PROCLAMATION
March 23, 2020

COVID-19 RELATED TEMPORARY WAIVER OF AGENCY RULES

WHEREAS, I issued a proclamation on March 13, 2020, declaring a state of emergency in the State of Idaho due to the occurrence and imminent threat to public health and safety arising from the effects of the 2019 novel coronavirus (COVID-19); and

WHEREAS, that Proclamation remains in effect today; and

WHEREAS, Section 46-1008(5)(a), Idaho Code, states that the Governor may suspend the provisions of any regulations that would in any way prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, I directed all state agencies to review their administrative rules to identify opportunities to assist in the COVID-19 response while maintaining public safety; and

WHEREAS, I directed all state agencies to place a specific emphasis on increasing the state's healthcare provider capacity and reducing barriers to healthcare access for Idaho citizens; and

WHEREAS, Idaho's state agencies have identified more than one hundred and twenty five rules to waive in order to more quickly, efficiently, and safely respond to the declared emergency.

NOW, THEREFORE, I Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution of the United States, the Constitution of the State of Idaho, and the laws of this State, including Section 46-1008, Idaho Code, I do hereby find and therefore proclaim and declare:

1. The Proclamation I issued on March 13, 2020 is hereby amended to incorporate this Proclamation.
2. The appended list of state administrative rules are hereby suspended for the duration of the declared state of emergency in order to ensure these administrative rules do not in any way prevent, hinder, or delay necessary action in coping with the emergency.
3. Each agency responsible for administering a rule or rules suspended by this Proclamation shall immediately post to its website in a place easy for the affected public to find a list identifying and stating the text of each rule that has been suspended.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 23rd day of March, in the year of our Lord two thousand and twenty and of the Independence of the United States of America the two hundred forty-fourth and of the Statehood of Idaho the one hundred thirtieth.

A blue ink signature of Brad Little, the Governor of Idaho, written over a horizontal line.

BRAD LITTLE GOVERNOR

A blue ink signature of Lawrence Denney, the Secretary of State of Idaho, written over a horizontal line.

LAWRENCE DENNEY SECRETARY OF STATE

***Appendix to Proclamation Signed by Governor Little on March 23, 2020 Regarding Temporary
Suspension of Administrative Rules***

Agency	IDAPA Chapter Number and Title:	Specific Rule(s) or Rule Subpart(s) to Suspend:
Corrections, Dept. of	06.02.01, Rules Governing the Supervision of Offenders on Probation or Parole	06.02.01, Appendix 1, Idaho Response Matrix
	06.02.01, Rules Governing the Supervision of Offenders on Probation or Parole	06.02.01.012.04, Assessment of Potential to Re-Offend
	11.11.01, Rules of the Idaho Peace Officer Standards & Training (POST) Council	11.11.01.051.01, Mandatory Certification
Dentistry, Board of	19.01.01, Rules of the Idaho State Board of Dentistry	19.01.01.021.04, Provisional Licensure
Health & Welfare, Department of	16.03.19, Certified Family	16.03.19.100.06.b, Certification Requirements
	16.03.19, Certified Family	16.03.19.110.01, Issuance of Certificate
	16.03.19, Certified Family	16.03.19.110.01.a, Issuance of Certificate
	16.03.19, Certified Family	16.03.19.111.01, Renewal of Certificate
	16.03.19, Certified Family	16.03.19.116.02.a, Required Ongoing Training
	16.03.19, Certified Family	16.03.19.140.07, Variance to Two Resident Limit
	16.03.19, Certified Family	03.19.174.01, Activities and Community Integration
	16.03.19, Certified Family	16.03.19.174.03, Activities and Community Integration
	16.03.19, Certified Family	16.03.19.200.06.a-d, Resident Rights
	16.03.19, Certified Family	16.03.19.200.08, Resident Rights
	16.03.14, Rules for Minimum Standards of Hospitals	16.03.14.150.02(b), Licensing Provisions
	16.06.02, Child Care Licensing	16.06.02.107, Suspension of Licenses
	16.06.02, Child Care Licensing	16.06.02.552, Employee and Volunteer Training
	16.06.02, Child Care Licensing	16.06.02.710.01-06, Staff Ratios
	16.06.02, Child Care Licensing	16.06.02.718, Fire Safety Requirements
	16.06.02, Child Care Licensing	16.06.02.721, Public Health District Inspection
	16.06.02, Child Care Licensing	16.06.02.729, Bathroom Facilities
	16.06.02, Child Care Licensing	16.06.02.730.01-03, Sleeping Rooms
	16.06.02, Child Care Licensing	16.06.02.731, Beds
	16.03.21, Developmental Disabilities Agencies	16.03.21.125, Renewal and Expiration of Certificate
	16.03.21, Developmental Disabilities Agencies	16.03.21.400.03.a-b, General Staffin Requirements
	16.03.21, Developmental Disabilities Agencies	16.03.21.410.01-03, General Training Requirements
	16.03.21, Developmental Disabilities Agencies	16.03.21.420, Volunteer Workers
	16.03.21, Developmental Disabilities Agencies	16.03.21.500.03, Center-Based Services
	16.03.21, Developmental Disabilities Agencies	16.03.21.511.04.a, Medication Standards
	16.04.17, Residential Habilitation Agencies	16.04.17.103, Renewal and Expiration of Certificate
	16.04.17, Residential Habilitation Agencies	16.04.17.201.03.g, Agency Administrator
	16.04.17, Residential Habilitation Agencies	16.04.17.203.05, Direct Service Staff
	16.04.17, Residential Habilitation Agencies	16.04.17.204.01-02, Direct Service Staff
	16.04.17, Residential Habilitation Agencies	16.04.17.302.04.a, Medication Standards
	16.04.17, Residential Habilitation Agencies	16.04.17.404.04, Agency Reporting and Communication
	16.06.01, Child and Family Services	16.06.01.50.06, Visitation for Child's Parent(s) or Legal Guardian(s)

Agency	IDAPA Chapter Number and Title:	Specific Rule(s) or Rule Subpart(s) to Suspend:
	16.06.01, Child and Family Services	16.06.01.50.07, Notification of Change in Visitation
	16.06.01, Child and Family Services	16.06.01.50.09., Notification of Right to Participate and Appeal
	16.06.01, Child and Family Services	16.06.01.405.05(b), Contact with Child
	16.06.01, Child and Family Services	16.06.01.405.05(c), Contact with Child
	16.06.01, Child and Family Services	16.06.01.405.05 (d), Contact with Child
	16.06.01, Child and Family Services	16.06.01.860, Procedures Following Adoptive Placements
	16.06.01, Child and Family Services	16.06.01.020(c), Information, Referral and Screening
	16.06.01, Child and Family Services	16.06.01.553., Assigning Reports for Safety Assessment
	16.06.01, Child and Family Services	16.06.01.554.01, Response Priorities
	16.06.01, Child and Family Services	16.06.01.447., Medication Examination upon Entering Alternative Care
	16.06.02, Child Care Licensing	16.06.02.102, Disposition of Applications
	16.06.02, Child Care Licensing	16.06.02.104, Mandatory Visitation
	16.06.02, Child Care Licensing	16.06.02.107, Suspension for Circumstances Beyond Control of Foster Parent or Operator
	16.05.06, Criminal History and Background Checks	16.05.06.150.03, No Extension of Time Frame
	16.05.06, Criminal History and Background Checks	16.05.06.150.03, No Extension of Time Frame
Health & Welfare, Department of	16.03.22, Residential Care or Assisted Living Facilities	16.03.22.550.07, Requirements for Access and Visitation
	16.03.22, Residential Care or Assisted Living Facilities	16.03.22.550.14, Participation in Resident and Family Groups
	16.03.22, Residential Care or Assisted Living Facilities	16.03.22.550.17, Access by Advocates and Representatives
	16.03.22, Residential Care or Assisted Living Facilities	16.03.22.151, Waiving the Requirements for Group Activities
	16.03.22, Residential Care or Assisted Living Facilities	16.03.22.410, Requirement for Fire Drills
	16.03.22, Residential Care or Assisted Living Facilities	16.03.22.415, Regular Inspections of Fire Equipment and Heating Systems
	16.03.09, Medicaid Basic Plan Benefits	16.03.09.586.01, Early Intervention Services
	16.03.09, Medicaid Basic Plan Benefits	16.03.09.210.07, Conditions for Payment
	16.03.09, Medicaid Basic Plan Benefits	16.03.09.412.03, Outpatient Hospital Services: Coverage and Limitations
	16.03.09, Medicaid Basic Plan Benefits	16.03.09.563.01, Healthy Connections: Procedural Requirements
	16.03.09, Medicaid Basic Plan Benefits	16.03.09.573.05.a.i, Habilitative Skill Building
	16.03.09, Medicaid Basic Plan Benefits	16.03.09.573.05.e.iv, Assessment and Clinical Treatment Plan (ACTP)
	16.03.09, Medicaid Basic Plan Benefits	16.03.09.753.05, Durable Medical Equipment and Supplies: Procedural Requirements
	16.03.09, Medicaid Basic Plan Benefits	16.03.09.586.01, Physical Recommendation
	16.03.09, Medicaid Basic Plan Benefits	16.03.09.852.01.a, Skills Building/Community Based Rehabilitation Services (CBRS)
	16.03.09, Medicaid Basic Plan Benefits	16.03.09.853.03, Reimbursable Services
	16.03.09, Medicaid Basic Plan Benefits	16.03.09.854.01, Individualized Education Program (IEP) and Other Service Plans

Agency	IDAPA Chapter Number and Title:	Specific Rule(s) or Rule Subpart(s) to Suspend:
Health & Welfare, Department of	16.03.09, Medicaid Basic Plan Benefits	16.03.09.854.02, Evaluation and Assessments
	16.03.09, Medicaid Basic Plan Benefits	16.03.09.854.04, One Hundred Twenty Day Review
	16.03.09, Medicaid Basic Plan Benefits	16.03.09.854.06.c., Copies of Required Referrals and Recommendations
	16.03.09, Medicaid Basic Plan Benefits	16.03.09.855.01.a., Interventiona and Paraprofessional
	16.03.09, Medicaid Basic Plan Benefits	16.03.09.855.12.k.ii., Skills Building Community Based Rehabilistaion Specialist
	16.03.09, Medicaid Basic Plan Benefits	16.03.09.855.12.k.iii., Skills Building Community Based Rehabilistaion Specialist
	16.03.09, Medicaid Basic Plan Benefits	16.03.09.855.12.k.iv.(1), Skills Building Community Based Rehabilistaion Specialist
	16.03.09, Medicaid Basic Plan Benefits	16.03.09.855.12.k.iv.(2), Skills Building Community Based Rehabilistaion Specialist
	16.03.09, Medicaid Basic Plan Benefits	16.03.09.855.12.k.iv.(3), Skills Building Community Based Rehabilistaion Specialist
	16.03.09, Medicaid Basic Plan Benefits	16.03.09.855.12.k.iv.(4), Skills Building Community Based Rehabilistaion Specialist
	16.03.09, Medicaid Basic Plan Benefits	16.03.10.305.03, Provider Exclusion
	16.03.10, Medicaid Enhanced Benefits	16.03.10.319. HCBS, Termination of Participant Enrollment
	16.03.10, Medicaid Enhanced Benefits	16.03.10.319.01.c, Termination of Participant Enrollment
	16.03.10, Medicaid Enhanced Benefits	16.03.10.319.03.b-c, Termination of Participant Enrollment
	16.03.10, Medicaid Enhanced Benefits	16.03.10.323.01.d.PARTICIPANT ELIGIBILITY DETERMINATION
	16.03.10, Medicaid Enhanced Benefits	16.03.10.509.02, Determination of Developmental Disability
	16.03.10, Medicaid Enhanced Benefits	16.03.10.512.03, Determination of Developmental Disability
	16.03.10, Medicaid Enhanced Benefits	16.03.10.512.04, Determination of Developmental Disability
	16.03.10, Medicaid Enhanced Benefits	16.03.10.513.12.a, Plan of Service
	16.03.10, Medicaid Enhanced Benefits	16.03.10.513.12.d, Plan of Servie
	16.03.10, Medicaid Enhanced Benefits	16.03.10.523.01.f, Group Respite Center
	16.03.10, Medicaid Enhanced Benefits	16.03.10.523.01.g.ii, Coverage and Limitations
	16.03.10, Medicaid Enhanced Benefits	16.03.10.523.02.c, Community Based Support
	16.03.10, Medicaid Enhanced Benefits	16.03.10.523.03.b, Family Education
	16.03.10, Medicaid Enhanced Benefits	16.03.10.651.01.e, Coverage Requirements and Limitations
	16.03.10, Medicaid Enhanced Benefits	16.03.10.702.02.d, Adult DD Waiver Elegibility
	16.03.18, Medicaid Cost Sharing	16.03.18.200, Premiums for Participation Under the State Children's Health Insurance Program (SCHIP)
	16.03.18, Medicaid Cost Sharing	16.03.18.200.03, Failure to Pay Premium
	16.03.18, Medicaid Cost Sharing	16.03.18.205.06, Waiver of Premium
	16.03.18, Medicaid Cost Sharing	16.03.18.215, Premiums for Participation in Medicaid Enhanced Plan
	16.03.18, Medicaid Cost Sharing	16.03.10.250, Delinquent Premium Payments
	16.03.18, Medicaid Cost Sharing	16.03.18.320, Medicaid Outpatien Services Subject to Copayments
	16.03.23, Uniform Assesments for State-Funded Clients	011.05, Reassessments
	16.02.19, Idaho Food Code	16.02.19.840.01, Establishing Inspection Interval

Agency	IDAPA Chapter Number and Title:	Specific Rule(s) or Rule Subpart(s) to Suspend:
Idaho State Police	11.13.01, The Motor Carrier Rules	11.13.01.019, Carrier Safety Requirements
	11.05.01, Rules Governing Alcohol Beverage Control	11.05.01.012.05, Product Replacement and Credit
Medicine, Board of	22.01.01, Rules of the Board of Medicine for the Licensure to Practice Medicine and Osteopathic Medicine	22.01.01.050, Qualifications for Licensure
	22.01.01, Rules of the Board of Medicine for the Licensure to Practice Medicine and Osteopathic Medicine	22.01.01.053, Licensure by Endorsement
	22.01.01, Rules of the Board of Medicine for the Licensure to Practice Medicine and Osteopathic Medicine	22.01.01.076, Temporary License
	22.01.01, Rules of the Board of Medicine for the Licensure to Practice Medicine and Osteopathic Medicine	22.01.01.162, Duties of Supervising Physician
	22.01.01, Rules of the Board of Medicine for the Licensure to Practice Medicine and Osteopathic Medicine	22.01.01.201, Registration of Supervising Physician
	22.01.05, General Provisions for the Board of Medicine	22.01.05.100, General Qualifications for Licensure
	22.01.05, General Provisions for the Board of Medicine	22.01.05.101, License or Permit Expiration and Renewal
	22.01.05, General Provisions for the Board of Medicine	22.01.05.152, Notice of Complaints
	22.01.05, General Provisions for the Board of Medicine	22.01.05.202, Idaho License Required
	22.01.03, Rules for the Licensure of Physician Assistants	22.01.03.021, Requirements for Licensure
	22.01.03, Rules for the Licensure of Physician Assistants	22.01.03.022, Temporary License
	22.01.03, Rules for the Licensure of Physician Assistants	22.01.03.028, Scope of Practice
	22.01.03, Rules for the Licensure of Physician Assistants	22.01.03.030, (03) Supervising Physician, (04) Delegation of Services Agreement, and (05) Change of Supervising Physician
	22.01.03, Rules for the Licensure of Physician Assistants	22.01.03.042, Prescription Writing
	22.01.11, Rules for Licensure of Respiratory Therapists and Permitting of Polysomnographers	22.01.11.031, General Provisions for Licensure
	22.01.11, Rules for Licensure of Respiratory Therapists and Permitting of Polysomnographers	22.01.11.032, Continuing Education
	22.01.11, Rules for Licensure of Respiratory Therapists and Permitting of Polysomnographers	22.01.11.033, Supervision of Respiratory Care
Nursing, Board of	23.01.01, Rules of the Idaho Board of Nursing	23.01.01.040.03, Temporary License By Examination
	23.01.01, Rules of the Idaho Board of Nursing	Inactive License
	23.01.01, Rules of the Idaho Board of Nursing	23.01.01.063.04, Reinstatement of Emeritus License to Current Status
	23.01.01, Rules of the Idaho Board of Nursing	23.01.01.076.04-05, Nurse Apprentice
	23.01.01, Rules of the Idaho Board of Nursing	23.01.01.901.02, Temporary License Fee
	23.01.01, Rules of the Idaho Board of Nursing	23.01.01.901.06, Temporary License Fee
Pharmacy, Board of	27.01.01, Board of Pharmacy	27.01.01.402.03, Refill Authorization
Professional Engineers and Land Surveyors	10.01.01, Rules of the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors	10.01.01, Subchapter C Rules of Continuing Professional Development