

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