

HOUSE CONCURRENT RESOLUTION NO. 5

Sixty-seventh Legislature

LEGISLATURE OF THE STATE OF IDAHO

First Regular Session – 2023

IN THE HOUSE OF REPRESENTATIVES
HOUSE CONCURRENT RESOLUTION NO. 5
BY HEALTH AND WELFARE COMMITTEE

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE
DEPARTMENT OF HEALTH AND WELFARE RELATING TO RESIDENTIAL ASSISTED LIVING
FACILITIES.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Health and Welfare relating to Residential Assisted Living Facilities are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that final rule contained in IDAPA 16.03.22, Section 152., Subsection 03.b.viii.; IDAPA 16.03.22, Section 152., Subsection 03.b.ix.; and IDAPA 16.03.22, Section 152., Subsection 03.b.x., relating to Residential Assisted Living Facilities, Rules of the Department of Health and Welfare, only, be, and the same are hereby rejected and declared null, void, and of no force and effect.

Statement of Purpose / Fiscal Impact:

STATEMENT OF PURPOSE RS30518 / HCR005

This is the removal of three rules that are unnecessary pertaining to IDAPA 16.03.22, Residential Assisted Living Facilities. The rules cause unnecessary burden to residents living in residential assisted living facilities and a rule will remain that will require nursing care is ensured by a licensed nurse and available to meet the needs of the residents.

FISCAL NOTE

This legislation causes no additional expenditure of funds at the state or local level of government, nor does it cause an increase or decrease in revenue for state or local government therefore the legislation has no fiscal impact.

Contact:

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Adopted: March 28, 2023.