



State of Idaho
DIVISION OF FINANCIAL MANAGEMENT
 Executive Office of the Governor

BRAD LITTLE
 Governor

ALEX J. ADAMS
 Administrator

March 15, 2020

MEMORANDUM

TO: Directors and Agency Heads
 CC: Rules Review Officers

FROM: Alex J. Adams, Administrator *Alex J. Adams*

SUBJECT: Suspension of Rules Related to 2019 Novel Coronavirus (COVID-19) Response

Governor Little has signed an emergency declaration to aid in the COVID-19 response effort in Idaho. Under Section 46-1008(5)(a), Idaho Code, 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.

Several agencies have reached out to DFM about the suspension of rules that would aid in the COVID-19 response. This memo outlines the procedures such agencies should follow.

1. Temporary Suspension of Rules for Duration of the Emergency

- If an agency would like to pursue a rule suspension directly related to the COVID-19 response, the agency must complete the following table for each rule chapter for which a suspension of a rule or rule subpart is requested. It must be submitted to Colby Cameron at DFM (Colby.Cameron@DFM.idaho.gov) no later than **March 19th at 5:00 p.m.**¹

IDAPA Chapter Number and Title:	57-Rules governing the Idaho Sexual Offender Management Board.
Specific Rule(s) or Rule Subpart(s) to Suspend:	331.01, 331.02, 332.04, 333
Brief Description of Need to Suspend These Rules to Address the Emergency and How the Agency Will Ensure Safety is Maintained (Not to Exceed 250 Words)	The SOMB is requesting the suspension of rules regarding expiration and renewal of certification during the emergency declaration. Due to cancelation of events and trainings, providers may be unable to obtain continuing education trainings. This suspension allows providers to continue to provide services uninterrupted.

Rules:

331.01: requirement to submit 30 days prior to expiration

331.02: removal from roster

332.04: continuing education extension fee

333: certification period of 2 years

¹ After this date, we will continue to accept requests for suspension of rules but are asking that as many as possible be submitted by this date to address this emergent situation.

- If approved by the Governor's office, the rule suspension will be published in an omnibus document on the Governor's webpage, and the specific rule suspensions must also be published on the agency's webpage with an adequate description that will apprise the public and your agency's stakeholders of the expectations during the emergency declaration.

2. Adoption of Official Temporary Rule

- The suspension of rules, as outlined above, is intended to be limited to the duration of the emergency declaration. In some instances, a temporary rule may need to be adopted if the agency believes flexibility will be necessary **during or beyond** the duration of the emergency declaration.
- In such instances, an agency may submit a Notice of Temporary Rulemaking ([sample forms](#)) for rule changes that are needed **specifically** to facilitate the response to COVID-19.
 - No ARRF needs to be submitted through DFM.
 - All other traditional rulemaking procedures must be followed under the Administrative Procedures Act.
- Agencies submitting for a temporary rule change must submit a completed Notice and the final rule text to Colby Cameron at DFM (Colby.Cameron@DFM.idaho.gov) no later than **March 26th at 5:00 p.m.** Please note in the subject of the email that the rule is specific to COVID-19 so that the rule may be fast-tracked.
- Temporary rules may be effective upon adoption by the agency; DFM intends to publish all temporary rules related to COVID-19 in an April edition of the Idaho Administrative Bulletin.