



Executive Department
State of Idaho

The Office of the Governor Proclamation

State Capital
Boise

WHEREAS, the health and safety of all Idahoans is the greatest priority of our state and its leaders; and

WHEREAS, the Centers for Disease Control and Prevention has labeled the 2019 novel coronavirus (COVID-19) a pandemic that poses a serious public health threat; and

WHEREAS, the Secretary of Health and Human Services declared a public health emergency for the entire United States to aid the nation in responding to COVID-19; and

WHEREAS, on March 13, 2020, when the first case of COVID-19 was confirmed in Idaho, I issued a proclamation declaring a state of emergency in the State of Idaho pursuant to Chapter 10, Title 46, Idaho Code, due to the occurrence and imminent threat to public health and safety arising from the effects of COVID-19; and

WHEREAS, President Trump issued a proclamation on March 13, 2020, declaring a national emergency due to the outbreak of COVID-19 in the United States and in order to implement additional measures to successfully contain and combat the virus in the United States; and

WHEREAS, on April 9, 2020, President Trump declared that a major disaster exists in the State of Idaho, which allows for additional federal assistance to aid in recovery efforts related to COVID-19; and

WHEREAS, on January 29, 2021, I declared an emergency in the state of Idaho due to the ongoing occurrence and imminent threat to public health and safety arising from the effects of COVID-19; and

WHEREAS, as of February 26, 2021, there have been over 28 million confirmed cases of COVID-19 and approximately 508,000 deaths in the United States and 170,595 confirmed or probable cases of COVID-19 and 1,850 deaths in Idaho due to COVID-19; and

WHEREAS, COVID-19 clusters with substantial community spread have developed across the United States, including in Idaho and neighboring states. In Idaho, cases of COVID-19 have been reported in all forty-four (44) counties and community spread of COVID-19 has been confirmed in all Idaho counties. Currently seven (7) Idaho counties have an average percent positivity of greater than 10 percent; and

WHEREAS, Idaho's case rate and positivity rate, while declining, are concerning. As a result, 34 percent of Idaho hospitals are currently reporting stresses on their operations. Idaho's rural communities are particularly at risk because of limited health care capacity and staff; and

WHEREAS, the high rate of COVID-19 cases in Idaho has put a significant strain on health care workers, resulting in staffing shortages across the State. Shortages have resulted from staff members testing positive for the virus or coming into close contact with someone who has COVID-19. Without health care workers and support staff, hospitals are not able to utilize their capacity; and

WHEREAS, the Idaho Department of Health and Welfare, other state agencies, and the local public health districts are expending resources to treat and track cases of COVID-19, supporting health care system response, and addressing resource shortages through the use of supplies and equipment from the Strategic National Stockpile (SNS) throughout the State of Idaho to reduce transmission and illness severity. The costs associated with facilitating the COVID-19 preparedness and response effort are expected to increase commensurate with the severity of the outbreak; and

WHEREAS, the Idaho Office of Emergency Management Emergency Operations Center is coordinating resources across state government to support the Idaho Department of Health and Welfare and local officials in alleviating the impacts to people, property, and infrastructure, and is assessing the magnitude and long-term effects of the incident with the Idaho Department of Health and Welfare; and

WHEREAS, the wide-spread administration of a vaccine that is safe and effective against COVID-19 is essential to ending the public health emergency, protecting the health and well-being of Idahoans, and returning the Idaho economy and way of life back to normal as soon as possible; and

WHEREAS, Section 46-1008(2), Idaho Code, mandates that a disaster emergency shall be declared by executive order or proclamation of the governor if the Governor finds a disaster has occurred or that the occurrence or threat thereof is imminent; and

WHEREAS, the existing threat of injury and loss of life posed by the COVID-19 public health emergency requires state and federal emergency assistance to supplement local efforts to save lives, protect public infrastructure, and lessen the threat of a disaster; and

WHEREAS, Idaho is committed to being prepared and protecting Idahoans from COVID-19. There continues to be a threat of injury, loss of life, and the continued operation of public infrastructure as a result of cases of COVID-19 throughout the State of Idaho, and the declaration of an emergency pursuant to Section 46-1008, Idaho Code, is necessary to receive and distribute emergency funds from the federal government and the State; and

WHEREAS, 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, pursuant to Section 46-1008(5)(a), Idaho Code; and

WHEREAS, the Governor is authorized to utilize all resources of the state, including, but not limited to, those sums in the disaster emergency account as he shall deem necessary to pay obligations and expenses incurred during a declared state of disaster emergency, pursuant to Section 46-1008(5)(b), Idaho Code; and

WHEREAS, the Governor is authorized to transfer the functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services, pursuant to Section 46-1008(5)(c), Idaho Code.

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 by Section 46-1008 of the Idaho Code do hereby find and therefore proclaim and declare:

- 1. That a state of emergency described in Section 46-1008, Idaho Code, continues to exist in the State of Idaho.
 - a. The nature of the emergency is the occurrence and imminent threat to public health and safety arising from the effects of COVID-19, including but not limited to, the limited health care capacity currently available within the State.*
 - b. The area threatened by the emergency includes the State of Idaho.*
 - c. The area subject to this proclamation shall include the State of Idaho.**
- 2. That the Proclamations dated March 13, 18, 23, 25, 27, April 1, 2, 22, 23, May 12, June 11, July 10, August 7, September 4, October 5, November 4, December 4, 31, 2020, and January 29, 2021 are superseded by this Proclamation.*
- 3. That implementation of the plans and procedures of the State of Idaho Emergency Operations Plan are to continue.*
- 4. That this declaration of emergency is necessary to protect life and property of Idahoans and ensure the state of Idaho continues to have the state and federal resources and funding needed to protect the citizens of Idaho from the dangers and rapid spread of COVID-19.
 - a. That the appended list of regulations is hereby suspended for the duration of the declared state of emergency, including extensions, in order to ensure these regulations do not in any way prevent, hinder, or delay necessary action in coping with the emergency. Each agency responsible for administering a regulation or regulations 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. If an agency deems suspension of a certain regulation is no longer needed to respond to the emergency, the agency should immediately notify the Governor's Office and resume compliance with the applicable regulation.*
 - b. Any state regulations that interfere with the ability of a licensed or registered health professional from administering a COVID-19 vaccine are hereby suspended for the**

duration of the declared state of emergency, including extensions, so long as the health professional possesses the necessary education and training to administer the COVID-19 vaccine. Licensed or registered health professionals authorized to administer the COVID-19 vaccine must act in good faith, exercise reasonable care, and be in compliance with applicable federal regulations.

- c. In the interest of further eliminating state regulatory barriers to the timely and efficient administration of the COVID-19 vaccines, any regulation that requires a physician order prior to administering the COVID-19 vaccines is hereby suspended for the duration of the declared state of emergency, including extensions.*
- 5. That the Program to Procure and Distribute Personal Protective Equipment to Idaho Businesses and Nonprofits established by Executive Order 2020-09 continue pursuant to the terms of that Executive Order and this Proclamation.*
- 6. That the actions related to the Idaho Department of Labor taken in Executive Order 2020-11 continue pursuant to the terms of that Executive Order and this Proclamation.*
- 7. That the state of public health emergency herein described shall continue for a period of thirty days unless terminated, modified or extended.*
- 8. That state agencies and departments are directed to continue to utilize state resources and to do everything reasonably possible to assist affected political subdivisions in an effort to respond to, protect Idaho citizens from, and recover from COVID-19.*
- 9. That this proclamation serves pursuant to Section 46-1008, Idaho Code, as authorization for the resources of state government to continue to assist in efforts to deal with the public health emergency of COVID-19 in Idaho.*
- 10. That this proclamation shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and be promptly filed with the Idaho office of emergency management, the office of the secretary of state and the office of the recorder of each county.*
- 11. That this proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the State of Idaho, its departments, agencies, or entities, its officers, employees, or agents, or any other person.*



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 26th day of February in the year of our Lord two thousand and twenty-one.

BRAD LITTLE
GOVERNOR

LAWRENCE DENNEY
SECRETARY OF STATE

Appendix to Proclamation Signed by Governor Little on February 26, 2021

Regarding Temporary Suspension of Certain State Regulations

Title	Chapter	Section(s)
16 - Juvenile Proceedings	24 - Children's Mental Health Services	16-2405
39 - Health and Safety	3 - Alcoholism and Intoxication Treatment Act	39-309
39 - Health and Safety	31 - Alcoholism and Intoxication Treatment Act	39-3137
54 - Professions, Vocations, and Businesses	18 - Physicians and Physician Assistants	54-1807A
54 - Professions, Vocations, and Businesses	18 - Physicians and Physician Assistants	54-1808
54 - Professions, Vocations, and Businesses	43 - Respiratory Care Practice Act	54-4306
54 - Professions, Vocations, and Businesses	57 - Idaho Telehealth Access Act	The portions of 54-5703(4) and 54-5712 that require out-of-state providers have an Idaho license. Out-of-state providers must be licensed and in good standing in their state of residence, practice in good faith, and exercise reasonable care.
54 - Professions, Vocations, and Businesses	57 - Idaho Telehealth Access Act	The portion of 54-5705(1) that states "section 802(54)(A)."
54 - Professions, Vocations, and Businesses	57 - Idaho Telehealth Access Act	54-5705
56 - Public Assistance and Welfare	2 - Public Assistance Law	56-256
56 - Public Assistance and Welfare	2 - Public Assistance Law	56-257(2)
66 - State Charitable Institutions	3 - Hospitalization of Mentally Ill	66-329(4)
67 - State Government and State Affairs	53 - Personnel System	67-5302(22), 67-5302(35), 67-5333(d) and 67-5334(2)(g)

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	16.02.10 Idaho Reportable Diseases	16.02.10.065.08.a., Execution of Order for Isolation
	16.02.19, Idaho Food Code	16.02.19.840.01, Establishing Inspection Interval

16.03.04 Rules and Minimum Standards for Hospitals	Any section that is more restrictive than CMS guidelines, in accordance with Senate Bill 1354 (2020)
16.03.07 Home Health Agencies	16.03.07.022.02(d), (e), and (f), Director
16.03.07 Home Health Agencies	16.03.07.024.04, Skilled Nursing Services
16.03.07 Home Health Agencies	16.03.07.030.04, .05, .06, and .07, Plan of Care
16.03.07 Home Health Agencies	16.03.031.02, Clinical Records
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
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., Intervention and Paraprofessional
16.03.09, Medicaid Basic Plan Benefits	16.03.09.855.12.k.ii., Skills Building Community Based Rehabilitation Specialist
16.03.09, Medicaid Basic Plan Benefits	16.03.09.855.12.k.iii., Skills Building Community Based Rehabilitation Specialist
16.03.09, Medicaid Basic Plan Benefits	16.03.09.855.12.k.iv.(1), Skills Building Community Based Rehabilitation Specialist
16.03.09, Medicaid Basic Plan Benefits	16.03.09.855.12.k.iv.(2), Skills Building Community Based Rehabilitation Specialist
16.03.09, Medicaid Basic Plan Benefits	16.03.09.855.12.k.iv.(3), Skills Building Community Based Rehabilitation Specialist
16.03.09, Medicaid Basic Plan Benefits	16.03.09.855.12.k.iv.(4), Skills Building Community Based Rehabilitation 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
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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 Eligibility
16.03.14, Rules for Minimum Standards of Hospitals	16.03.14.150.02(b), Licensing Provisions
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 Outpatient Services Subject to Copayments
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
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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
16.03.21, 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 Staffing Requirements
16.03.21, Developmental Disabilities Agencies	16.03.21.410.01-03, General Training Requirements
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16.03.21, Developmental Disabilities Agencies	16.03.21.500.03, Center-Based Services
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16.03.22, Residential Care or Assisted Living Facilities	16.03.22.550.14, Participation in Resident and Family Groups
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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
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16.03.23, Uniform Assessments for State-Funded Clients	011.05, Reassessments
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
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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
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16.06.01, Child and Family Services	16.06.01.860, Procedures Following Adoptive Placements
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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

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	16.06.02, Child Care Licensing	16.06.02.718, Fire Safety Requirements
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	15.04.01, Rules of the Division of Human Resources and Idaho Personnel Commission	15.04.01.122.01, Hours Limitation
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Lottery Commission, Idaho State	52.01.03, Rules of Governing Operations of the Idaho State Lottery	52.01.03.100.16(c), Claim Period
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	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	22.01.01.163, Duties of Supervising Physicians of Interns and Residents
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Medicine, Board of (Physician Assistants)	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
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	22.01.05, General Provisions of the Board of Medicine	22.01.05.101, License or Permit Expiration and Renewal
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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	23.01.01.063.01-03, License Reinstatement of Non-Renewed Inactive License
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	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	23.01.01.241.03, Licensure by Equivalency and Endorsement
	23.01.01, Rules of the Idaho Board of Nursing	23.01.01.901.02, Temporary License Fee
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