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2022 Idaho Code

Title 56 - PUBLIC ASSISTANCE AND WELFARE

Chapter 10 - DEPARTMENT OF HEALTH AND WELFARE

Section 56-1003 - POWERS AND DUTIES OF THE DIRECTOR.

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56-1003. POWERS AND DUTIES OF THE DIRECTOR. The director shall have the following powers and duties:

(1) All of the powers and duties of the department of public health, the department of health, the board of health and all nonenvironmental protection duties of the department of health and welfare are hereby vested to the director of the department of health and welfare. However, oversight of the department and rulemaking and hearing functions relating to public health and licensure and certification standards shall be vested in the board of health and welfare. Except when the authority is vested in the board of health and welfare under law, the director shall have all such powers and duties as may have been or could have been exercised by his predecessors in law, including the authority to adopt, promulgate, and enforce rules, and shall be the successor in law to all contractual obligations entered into by predecessors in law. All rulemaking proceedings and hearings of the director shall be governed by the provisions of chapter 52, title 67, Idaho Code.

(2) The director shall, pursuant and subject to the provisions of Idaho Code and this chapter, promulgate and recommend to the board rules to administer statutes related to health and licensure and certification requirements pertinent to health. Such rules may be of general application across the state or may be limited in time, place, and circumstance as needed to address problems.

(3) The director, under rules adopted by the board, shall have general supervision of the health and welfare of the people of this state. The powers and duties of the director shall include but are not limited to the following:

(a) The education of the people of this state using guidelines and recommendations for issues of health, safety, mental health, and wellness;

(b) The issuance of licenses and permits as prescribed by law and by the rules of the board;

(c) The supervision and administration of laboratories and the supervision and administration of standards of tests for environmental pollution, chemical analyses and communicable diseases. The director may require that laboratories operated by any city, county, institution, person, firm or corporation for health or environmental purposes conform to standards set by the board of health and welfare and the board of environmental quality in rule;

(d) The supervision and administration of a mental health program, which shall include services for the evaluation, screening, custody and treatment of the mentally ill and those persons suffering from a mental defect or mental defects, and services for the prevention of suicide;

(e) The enforcement of minimum standards of health, safety, and sanitation for all public swimming pools within the state as established in rule of the board;

(f) The supervision and administration of the various schools, hospitals, and institutions that were the responsibility of the board of health and welfare;

(g) The supervision and administration of services dealing with substance abuse, including but not limited to treatment and rehabilitation;

(h) Communication and cooperation with other governmental departments, agencies and boards in order to effectively assist with the planning for the control of or abatement of health problems. All of the rules adopted by the board shall apply to state institutions;

(i) The supervision and administration of an emergency medical services program, including but not limited to assisting other governmental agencies and local governmental units, in providing first aid emergency medical services and for transportation of the sick and injured;

(j) The supervision of administrative units whose responsibility shall be to assist and encourage counties, cities, other governmental units, and industries in the control of and/or abatement of health problems; and

(k) The enforcement of all laws and rules relating to health.

(4) The director, when so designated by the governor, and any other time subject to the standard appropriations and approval process of the legislature, shall have the power to apply for, receive on behalf of the state, and utilize any federal aid, grants, gifts, or moneys made available through the federal government.

(5) The director shall have the power to enter into and make contracts and agreements with any public agencies or municipal corporations for facilities, land, and equipment when such use will have a beneficial, recreational, or therapeutic effect or be in the best interest in carrying out the duties imposed upon the department. The director shall also have the power to enter into contracts for the expenditure of state matching funds for local purposes. This subsection will constitute the authority for public agencies or municipal corporations to enter into such contracts and expend money for the purposes delineated in such contracts.

(6) The director is authorized to adopt an official seal to be used on appropriate occasions, in connection with the functions of the department or the board, and such seal shall be judicially noticed. Copies of any books, records, papers and other documents in the department shall be admitted in evidence equally with the originals thereof when authenticated under such seal.

(7) The director, under rules adopted by the board of health and welfare and approved by the legislature pursuant to section 67-5291, Idaho Code, and section 29, article III of the constitution of the state of Idaho, shall have the power to impose and enforce orders of isolation, quarantine, or restricted access to protect the public from the spread of infectious or communicable diseases or from contamination from chemical, nuclear, or biological agents, whether naturally occurring or propagated by criminal or terrorist act.

(a) An order of isolation may be issued only for a person diagnosed with an infectious or a communicable disease, presenting medically unknown symptoms, or contaminated from a

chemical, nuclear, or biological agent and only while a person is infectious, displaying unknown symptoms, or contaminated.

(b) An order of quarantine may be issued only for a person exposed to:

- (i) An infectious or a communicable disease;
- (ii) A person displaying medically unknown symptoms; or
- (iii) Contamination from a chemical, nuclear, or biological agent;

under circumstances likely to result in the spread of the disease, symptoms, or contaminant to the person who had such contact and only for a reasonable period of time sufficient to determine whether the exposed person will become sick.

(c) If the director has reasonable cause to believe a chemical, nuclear, or biological agent has been released in an identifiable place, including a building or structure, the director may impose an order of restricted access into or out of that place for the purpose of determining whether that place has been contaminated with a chemical, nuclear, or biological agent that may create a substantial and immediate danger to the public. An order of restricted access shall be effective only until such time as the contamination has been remediated and the area of restricted access has been determined to no longer pose an immediate health risk.

(d) An order of isolation, quarantine, or restricted access issued pursuant to this section shall not be subject to the Idaho administrative procedure act, chapter 52, title 67, Idaho Code, but shall be subject to judicial review as a final agency order. However, this shall not prevent the director from reconsidering, amending, or withdrawing the order. Judicial review of orders of isolation, quarantine, or restricted access shall be de novo. The court may affirm, reverse, or modify the order and shall affirm the order if the director shows by clear and convincing evidence that the order is reasonably necessary to protect the public from a substantial and immediate danger of the spread of an infectious or communicable disease or from contamination by a chemical, nuclear, or biological agent. A hearing on a request for review pursuant to this paragraph shall be held as soon as practicable but no later than three (3) business days after the request is made. Notice of the request for review to the court must be provided to the director. The court may order the person who is the subject of or affected by the order of isolation, quarantine, or restricted access to appear remotely via technology approved by the Idaho supreme court. Upon conclusion of a hearing described in this subsection, the court conducting judicial review shall issue an order:

- (i) Affirming or modifying the order of isolation, quarantine, or restricted access; or
- (ii) Reversing the order and releasing an individual who is the subject of or affected by such order.

(e) Any person who violates an order of isolation, quarantine, or restricted access shall be guilty of a misdemeanor.

(8) The director shall develop safeguards necessary to ensure the security of nonpublic personal information in the department's possession and to prevent undue disclosure of such information. The director shall establish a process to authenticate requests made by a person, entity or jurisdiction arising under the 2007 Hague convention on the international recovery of child support and other forms of family maintenance. In the event the department becomes aware of any improper disclosure, the director shall take all actions required under section 28-51-105, Idaho Code.

History:

[56-1003, added 2000, ch. 132, sec. 38, p. 347; am. 2003, ch. 240, sec. 2, p. 620; am. 2006, ch. 416, sec. 1, p. 1282; am. 2015, 1st E.S., ch. 1, sec. 67, p. 33; am. 2016, ch. 97, sec. 1, p. 293; am. 2021, ch. 257, sec. 2, p. 789; am. 2022, ch. 60, sec. 4, p. 185.]

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