

Part I – Agency Profile

Agency Overview

The Office of Administrative Hearings (OAH) was established in 2022 by the Legislature as an independent agency, charged with providing independent and unbiased hearing officers to preside over contested administrative cases before almost all of Idaho's agencies. OAH is statutorily charged with providing hearing officers in contested case proceedings under Idaho's Administrative Procedure Act (APA) which arise from the appeal of an agency order. OAH is also authorized to provide mediation, arbitration, and other adjudicatory services to Idaho's agencies if requested. Depending on the nature of the action, OAH conducts hearings in a number of ways: 1) in-person field hearings, which can be done anywhere in the state; 2) remote video conference; 3) hybrid hearings, which have in-person attendees and remote attendees; and 4) telephonically.

On September 6, 2022, Governor Little appointed Bryan Nickels as the Chief Administrative Hearing Officer to launch OAH as a new agency. By statute, OAH formally began to handle contested cases on January 3, 2023, and subsequently began handling contested cases before the Department of Health & Welfare on July 1, 2024. As of August 1, 2024, OAH is staffed with 6 administrative law judges (including the Chief Administrative Hearing Officer and the Deputy Chief Administrative Hearing Officer), 2 Deputy Clerks, and 1 Case Administrator; OAH also utilizes legal extern(s) from the University of Idaho Law School. In August 2024, all 3 of OAH's newest administrative law judges will complete a 10-day Fair Hearings training for administrative law judges at the National Judicial College at the University of Nevada-Reno. OAH's new offices are located at 350 N. 9th St., Suite 300, Boise, ID 83702.

OAH's Mission: The Office of Administrative Hearings serves the citizens, businesses, and state agencies of Idaho by providing independent, efficient, and unbiased hearings of contested administrative cases, and facilitates the opportunity for parties to resolve their disputes through alternative dispute resolution.

OAH's Vision: 1) The Office of Administrative Hearings will continue to develop a transparent and standardized hearing process to benefit participants in contested case proceedings; 2) The Office of Administrative Hearings, through its hearing officers, will continue to provide all participants with a fair, civil, and efficient process through which contested case proceedings will be heard; and 3) The Office of Administrative Hearings will continue to educate the public and stakeholders about Idaho's Administrative Procedures Act so that parties may participate to the fullest extent possible in the process.

Core Functions/Idaho Code

OAH's duties in providing independent and unbiased hearing officers, and corresponding due process concepts (as illuminated in the landmark U.S. Supreme Court case of *Mathews v. Eldridge*, 424 U.S. 319 (1976)), play a pivotal role in safeguarding individuals' rights within administrative proceedings. These mechanisms are integral to ensuring that individuals receive fair treatment and protection from arbitrary decisions when dealing with Idaho's agencies, given the potential harm to the individual if erroneous decisions are made without adequate procedures. As Idaho's Court of Appeals has explained in *Hawkins v. Idaho Transp. Dep't.*, 161 Idaho 173 (Ct. App. 2016), "[t]he minimum constitutional due process requirements for administrative hearings are timely and adequate notice and an opportunity to be heard that is meaningful and appropriate to the nature of the case." Altogether, these concepts underscore the fundamental principles of due process, striving to strike a harmonious balance between governmental efficiency and the protection of individual rights.

To ensure fulfillment of these due process considerations, OAH and its Chief Administrative Hearing Officer have a number of statutory duties regarding contested cases before Idaho's agencies and handled by OAH hearing officers. Those duties are outlined in I.C. §§67-5280 through -5286, and generally include as follows:

- Conduct contested case proceedings that arise from the appeal of an agency order (I.C. §67-5280(2)(a));
- Provide mediation, arbitration and adjudicatory services requested by agencies (I.C. §67-5280(2)(b));
- Appoint hearing officers, both within OAH and as outside contract hearing officers (I.C. §67-5282(1)(d));

- Promulgate an updated Idaho Rules of Administrative Procedure (I.C. §§67-5280(2)(c), -5282(1)(e), and -5206(3))
- Establish a Code of Conduct governing hearing officers' conduct to ensure independent and unbiased decision-making (I.C. §67-5282(1)(f))
- Protected and ensure the decisional independence of OAH's hearing officers (I.C. §67-5282(1)(g)), and
- Implement monitoring systems regarding the quality of contested case proceedings (I.C. §67-5282(h)).

As of July 1, 2024, OAH provides contested case and other services to almost all of Idaho's agencies, to include the hearing of Department of Health and Welfare contested case matters. The only agency expressly exempted from OAH's scope is the Water Board/Department of Water Resources, per I.C. §67-5280(4).

Revenue and Expenditures:

Revenue	FY 2021	FY 2022	FY 2023	FY 2024
General Fund	\$ n/a	\$ n/a	\$ 605,700.00	\$0.00
Total	\$ n/a	\$ n/a	\$ 605,700.00	\$0.00
Expenditure	FY 2021	FY 2022	FY 2023	
Personnel Costs	\$ n/a	\$ n/a	\$ 310,862.58	\$559,898.25
Operating Expenditures	\$ n/a	\$ n/a	\$ 70,259.00	\$148,316.64
Capital Outlay	\$ n/a	\$ n/a	\$ 31,783.27	\$0.00
Trustee/Benefit Payments	\$ n/a	\$ n/a	\$ 0	\$0.00
Total	\$ n/a	\$ n/a	\$ 412,904.85	\$708,214.89

Profile of Cases Managed and/or Key Services Provided

Cases Managed and/or Key Services Provided	FY 2021	FY 2022	FY 2023	FY 2024
Agencies assigning cases to OAH	n/a	n/a	9	11
Cases transmitted to OAH	n/a	n/a	83	150
Hearings conducted	n/a	n/a	56	91
Percentage of in-person hearings	n/a	n/a	10.6%	14.0%
Assignment within 2 business days	n/a	n/a	96.4%	98.0%
Cases older than 180 days	n/a	n/a	0%	2.0%
Mediations/Arbitrations conducted	n/a	n/a	1	1

Note: "FY 2023" represents half-year figures, covering the official OAH start date of January 3, 2023 through June 30, 2023.

Performance Highlights:

For FY24, in addition to the ongoing work in presiding over contested cases assigned to it by other agencies, OAH also primarily focused on preparing for the transition of Department of Health and Welfare contested case hearings from the Office of the Attorney General's Fair Hearings Unit to the OAH on July 1, 2024, including the hiring of additional personnel, physical relocation of entire agency to accommodate the expansion, additional set-up of IT services and related logistical matters for the agency expansion, ongoing administrative law judge training, including contract hearing officers, and ongoing coordination meetings with Department of Health and Welfare staff.

Additionally, OAH completed the rulemaking process in creating the new Idaho Rules of Administrative Procedure, updating the prior Rules of Administrative Procedure of the Attorney General which had initially been promulgated in 1993. In doing so, OAH conducted eight in-person negotiated rulemaking sessions around the state, including Boise, Coeur d'Alene, Twin Falls, Moscow, and Pocatello. Those Rules became final, and went into effect, on July 1, 2024. In conjunction with the adoption of the new Idaho Rules of Administrative Procedure, OAH assisted other agencies in identifying agency-specific contested case rules, promulgated as exceptions to the prior Idaho Rules of Administrative Procedure, for archiving.

Part II – Performance Measures

Performance Measure		FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Goal 1: Develop website to incorporate background information regarding OAH for the public, agencies, and contract hearing officers.						
Public website information: FAQs, OAH information, contact info, etc.	achieved	n/a	n/a	Yes	Yes	---
	benchmark	n/a	n/a	Webpage creations	Agency rule links	Update various links
Agency website information: ADR, transmittal, and contact info	achieved	n/a	n/a	Yes	Yes	---
	benchmark	n/a	n/a	Webpage creations	Form updates	Form updates
Hearing officer information: Code of Conduct, statutory/administrative info	achieved	n/a	n/a	Yes	Yes	---
	benchmark	n/a	n/a	Webpage creations	Maintain pool and Code	N/A
Goal 2: Develop processes and monitoring systems to assist public in full participation in proceedings, and to ensure hearing officers comply with code of conduct.						
Code of Conduct for hearing officers	achieved	n/a	n/a	Yes	Yes	---
	benchmark	n/a	n/a	Creation	Updated	N/A
Quarterly Hearing Officer trainings	achieved	n/a	n/a	Yes (2 of 2)	Yes (4)	---
	benchmark	n/a	n/a	CLEs conducted; attendance monitored	CLEs conducted; attendance monitored	CLEs conducted; attendance monitored
Development of long-term “how to” information delivery methods	achieved	n/a	n/a	Yes	Yes	---
	benchmark	n/a	n/a	Options id'd	FAQ created	Update
Goal 3: Consolidate and standardize administrative hearing officer practices and create quality monitoring system.						
Creation of hearing officer pool and contracts	achieved	n/a	n/a	Yes	Yes	---
	benchmark	n/a	n/a	Complete	Maintained	N/A
Creation of agency policies regarding conduct of hearings	achieved	n/a	n/a	Yes	Yes	---
	benchmark	n/a	n/a	Initiated and ongoing; provided to all hearing officers	Policy manual created	Add/update policies
Develop monitoring/QC standards	achieved	n/a	n/a	Yes	Yes	---
	benchmark	n/a	n/a	Complete	Maintained	Peer review system developed
Goal 4: Promulgate rules to further implement OAH's mission.						
Promulgate new Idaho Rules of Administrative Procedure	achieved	n/a	n/a	Pending Rules	Yes	---
	benchmark	n/a	n/a	Complete	Complete	N/A
Assist agencies re: updates to agency-specific rules	achieved	n/a	n/a	Ongoing	Yes	---
	benchmark	n/a	n/a	Meetings	Meetings	Meetings

Goal 5: Education						
Establish training requirements for all hearing officers	achieved	n/a	n/a	Yes	Yes	---
	benchmark	n/a	n/a	<i>Complete</i>	<i>Complete</i>	N/A
Present CLEs to stakeholder groups	achieved	n/a	n/a	Ongoing	Ongoing	---
	benchmark	n/a	n/a	<i>Complete</i>	<i>Complete</i>	<i>Complete</i>
Goal 6: ADR						
Agencies: educational information and forms about ADR	achieved	n/a	n/a	Yes	Yes	---
	benchmark	n/a	n/a	<i>Complete</i>	<i>Complete</i>	N/A
ADR Specialists: Identify and creating training requirements	achieved	n/a	n/a	Yes	Yes	---
	benchmark	n/a	n/a	<i>Complete</i>	<i>Complete</i>	N/A

Performance Measure Explanatory Note:

As above, much of OAH's initial performance measures for its first two fiscal years are directed to initial set-up of the agency, as well as the set-up of the expanded agency to begin Department of Health and Welfare contested case hearings in FY25, both of which included initial training and logistics regarding administrative law judge operations. OAH projects that, following commencement of Department of Health and Welfare contested case matters in FY25, start-up operations for OAH as reflected in its initial strategic plan(s) are anticipated to be largely completed, and the strategic plan will be further updated to reflect ongoing OAH activities and metrics. At that juncture, and as OAH's caseload further matures, OAH anticipates that performance measures may shift to different metrics regarding case types, date-to-appointment and date-to-completion data, judicial review results, etc. OAH has also engaged in outreach with other states' central panel agencies to evaluate what benchmarks and metrics are used in those states in their respective performance measurement reports.

For More Information, Contact:

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