



# State of Idaho Office of Administrative Hearings

Strategic Plan 2023-2026

January 2023

# OAH: 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: VISION

- The Office of Administrative Hearings will continue to develop a transparent and standardized hearing process to benefit participants in contested case proceedings.
- 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.
- 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.



# OAH: GOALS

Three primary goals to achieve OAH's Mission:

## Transparency

- Website
- Consolidate information

## Objectivity

- Code of Conduct
- "How To" Materials

## Consistency

- Contracts
- Policies & Procedure
- Monitoring

Three secondary, but mission-critical, goals for OAH:

## Rules

- Promulgate rules
- Assist agencies

## Education

- Trainings for Hearing Officers
- CLE(s)

## ADR

- Agency education
- Trainings for ADR specialists

# GOAL 1: TRANSPARENCY

## DEVELOP WEBSITE TO INCORPORATE BACKGROUND INFORMATION REGARDING OAH FOR THE PUBLIC, AGENCIES, AND CONTRACT HEARING OFFICERS

### PERFORMANCE MEASURES:

#### Public

Strategy: Generate case-related information

- Contact information for case information
- Information about OAH
- FAQs
- "How to" information (see Goal 2)

#### Agencies

Strategy: Generate case-assistance information

- Information and forms to assign/initiate a matter with OAH
- Information regarding ADR/adjudicatory services
- Contact information for case information

#### Hearing Officers

Strategy: Generate quick-links to key info

- Link to current Code of Conduct
- Governing statutory and administrative authority
- Application information for contract hearing officer "pool"

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## GOAL 1 BENCHMARKS:

- JUNE 30, 2023 (COMPLETE INITIAL WEBSITE, INCLUDING ALL STRATEGIC INFORMATION AND FORMS)
- ONGOING (WEBSITE UPDATES AS NEEDED)

## GOAL 2: OBJECTIVITY

DEVELOP PROCESSES AND MONITORING SYSTEMS TO ASSIST PUBLIC IN FULL PARTICIPATION IN PROCEEDINGS, AND TO ENSURE HEARING OFFICERS COMPLY WITH CODE OF CONDUCT

### PERFORMANCE MEASURES:

#### Public

Strategy: Create "How To" information

- Develop "How To" page for website to outline basic structure of contested administrative cases, including basic information regarding witnesses, exhibits, etc.
- Develop long-term strategic goal for additional delivery methods for "How To" information, including printed literature (pamphlets), standard contested case proceeding forms, and informational video akin to jury service videos.

#### Hearing Officers

Strategy: Ensure hearing officer compliance

- Develop Code of Conduct [completed].
- Routine conduct/civility/ethics training for all in-house and contract hearing officers, provided by both third-party sources and OAH, including internal AARs (after-action reviews).

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## GOAL 2 BENCHMARKS:

- OCTOBER 31, 2022 (DRAFT CODE OF CONDUCT) – COMPLETED OCTOBER 21, 2022
- MARCH 31, 2023 (DRAFT AAR FORMS)
- JUNE 30, 2023 (COMPLETE NECESSARY WEBSITE INFORMATION)
- JUNE 30, 2023 (COMPLETE INITIAL CONDUCT, CIVILITY, ETHICS TRAINING, REQUIRED EVERY 6 MONTHS THEREAFTER)
- DECEMBER 31, 2023 (DRAFT STANDARD CASE FORMS)
- JUNE 30, 2024 (CREATE PRINT AND VIDEO “HOW-TO” INFORMATION)



## GOAL 3: CONSISTENCY

### CONSOLIDATE AND STANDARDIZE ADMINISTRATIVE HEARING OFFICER PRACTICES, AND CREATE QUALITY MONITORING SYSTEM

#### PERFORMANCE MEASURES:

##### Contracts Strategy: Create contract hearing officer pool

- Solicit statewide applicants [completed]
- Draft new standardized hearing officer contracts to comply with requirements of I.C. sec. 67-5283 [completed]

##### Policies Strategy: Develop internal policies

- Create policies regarding standard hearing practices (locations, recordings, deadlines, records retention, etc.)
- Compile Policies/Procedures manual

##### Monitoring Strategy: Monitor hearing officer performance

- Develop quality-monitoring standards per I.C. sec. 67-5282(1)(h)
- Training of all hearing officer on quality-monitoring standards
- Develop training after-action review plans (AAR) to address quality concerns
- Develop feedback system for stakeholders

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## GOAL 3 BENCHMARKS:

- DECEMBER 1, 2022 (DRAFT STANDARDIZED HEARING OFFICER CONTRACTS) - COMPLETED
- JANUARY 1, 2023 (DEVELOP CONTRACT HEARING OFFICER POOL) - COMPLETED
- JANUARY 1, 2023 (INITIAL HEARING CONDUCT POLICIES IN PLACE) - COMPLETED
- JUNE 30, 2023 (ESTABLISH QUALITY MONITORING STANDARDS, TRAINING, AND AAR PLANS)
- JUNE 30, 2023 (DEVELOP STAKEHOLDER FEEDBACK SYSTEM)
- DECEMBER 31, 2023 (FIRST FULLY-COMPILED POLICIES/PROCEDURES MANUAL IN PLACE)

## GOAL 4: RULES

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### PROMULGATE RULES TO FURTHER IMPLEMENT OAH'S MISSION

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#### PERFORMANCE MEASURES:

##### Rules

Strategy: Promulgate hearing rules for OAH

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- Undertake rulemaking per I.C. sec. 67-5282(1)(e) to implement OAH's mission

##### Other Agencies

Strategy: Assist in rules streamlining

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- Assist participant agencies in identifying out-of-date or redundant hearing-related rules

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## GOAL 4 BENCHMARKS:

- SEPTEMBER 30, 2023 (INITIATE RULEMAKING PROCESS)
- ONGOING (ASSIST AGENCIES WITH RULE STREAMLINING)

## GOAL 5: EDUCATION

### DEVELOP AND PROVIDE EDUCATIONAL OPPORTUNITIES FOR HEARING OFFICERS AND OTHER STAKEHOLDERS REGARDING OAH

#### PERFORMANCE MEASURES:

##### Hearing Officers

Strategy: Develop and implement training requirements and schedule

- Establish training requirements
- Outline ongoing mandatory training schedule for all hearing officers, both OAH and contract
- Develop in-house training modules for new hearing officers, including contract hearing officer pool

##### Stakeholders

Strategy: Develop educational materials for citizens, businesses, agencies, and attorneys

- In addition to website, video, and printed educational materials, develop in-person presentation materials that can be presented in a number of contexts as requested
- Present CLEs to private attorneys, agency attorneys, and Deputies Attorney General to address questions about OAH

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## GOAL 5 BENCHMARKS:

- MARCH 31, 2023 (CONDUCT INITIAL ATTORNEY CLE(S))
- MARCH 31, 2023 (ESTABLISH HEARING OFFICER TRAINING REQUIREMENTS)
- JUNE 30, 2023 (COMPLETE INITIAL WEBSITE)
- SEPTEMBER 30, 2023 (DRAFT INITIAL TRAINING MODULES)
- ONGOING (WEBSITE UPDATES AS NEEDED)

# GOAL 6: ADR

## DEVELOP RELATIONSHIPS AND TRAININGS FOR OAH'S SECONDARY MEDIATION, ARBITRATION, AND ADJUDICATORY SERVICES

### PERFORMANCE MEASURES:

#### Agencies

Strategy: Develop relationships for use of ADR services

- Information and forms to assign/initiate a mediation/arbitration/adjudicatory matter with OAH
- Meetings with agencies regarding scope of ADR services

#### ADR Specialists

Strategy: Train ADR specialists

- Identify hearing officers to handle ADR matters
- Develop requirements for training of ADR specialists
- Outline ongoing training requirements for ADR specialists

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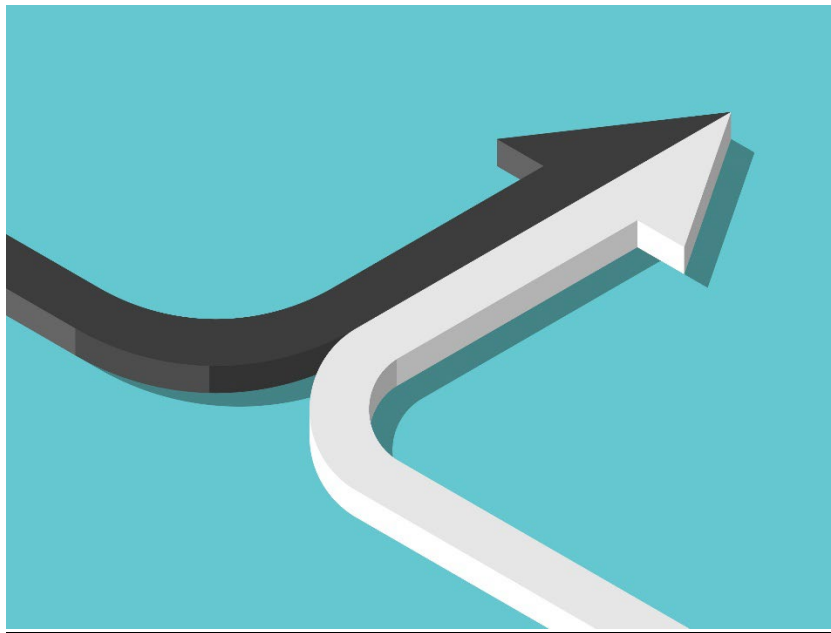
## GOAL 6 BENCHMARKS:

- MARCH 31, 2023 (COMPLETE MEETINGS WITH AGENCIES)
- MARCH 31, 2023 (IDENTIFY ADR SPECIALISTS & ALL TRAINING REQUIREMENTS)
- JUNE 30, 2023 (DRAFT FORMS FOR ADR INITIATION)



# OAH: FORWARD

## “The Merge”



In addition to the above strategic goals, OAH is also statutorily charged with assuming handling of Department of Health and Welfare (“DHW”) contested case proceedings on or after January 1, 2024 (Idaho Code §67-5286).

OAH will vigorously work with DHW to assist in securing necessary approvals by the Center for Medicare and Medicaid Services (CMS) and the Office of the Governor to ensure a timely transition of DHW contested case proceedings to OAH.

# EXTERNAL FACTORS

Certain goals of the strategic plan will be dependent upon not only agencies' ongoing management of their own rules governing contested case proceedings, but also the rulemaking process OAH will undertake. OAH remains prepared to address any such challenges as may arise rulemaking and/or other changes to the IDAPA Rules, and will endeavor to be as agile as possible in updating and improving this Strategic Plan as needs arise. Additionally, success of OAH as a new agency will depend on continued legislative support and funding to appropriately address ongoing and potentially fluctuating caseload demands – especially with assumption of contested case proceeding duties with respect to DHW in 2024 – to include secondary missions of providing ADR services.

**Addendum to Agency Strategic Plans: Adoption of the NIST Cybersecurity Framework and Implementation of CIS Critical Security Controls 1 – 5**

As a technology customer of the Office of Information Technology Services (ITS) in the Governor's Office, we are using the cybersecurity systems and technical expertise in OCIO to fulfill requirements related to Executive Order 2017-02. Staff from ITS briefed the NIST Core Framework, CIS Controls 1-5, and their plan for adoption of the NIST Cybersecurity Framework. We participated in DHR and ITS administered cybersecurity training, as awareness is a critical component of an effective cybersecurity program. As briefed by ITS staff, implementation of the CIS Controls 1-5 will be their responsibility for the systems they operate and, as technological tools applied to the computer systems, largely invisible to us as a customer. ITS is refining the cybersecurity incident response plan in support of our agency.