

# YEAR-END REPORT



OFFICE OF  
ADMINISTRATIVE HEARINGS

STATE OF IDAHO

2025

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## Message from the Chief

The State of Idaho's Office of Administrative Hearings ("OAH") completed its third full year of operations, and I'm pleased to discuss the successes OAH had in 2025 and what's on the horizon for OAH in 2026.

### *APA Modernization*

Following 2024's successful launch of the new Idaho Rules of Administrative Procedure ("IRAP"), OAH turned its 2025 efforts to updating Idaho's Administrative Procedure Act ("APA"), located at Idaho Code §§67-5201 *et seq.*

In addition to outlining statutory requirements for agency rulemaking, Idaho's APA also governs the procedure in contested cases before Idaho's administrative agencies. Idaho's APA was initially codified in 1992, and was largely based upon the 1961 Model State Administrative Procedure Act ("MSAPA"), with selected updates and Idaho-specific modifications.

However, with the ongoing development of modern practice - to include developments in administrative law practice - Idaho's APA warranted a top-to-bottom review and update. A number of key changes were made, including:

- Creating a new statutory provision directly addressing default (when a party fails to participate in the hearing process), to ensure both that parties have a full and fair opportunity to participate in those proceedings and that proceedings are completed in prompt fashion.
- Eliminating references to "exceptions," an outdated practice abolished in Idaho's court system in 1977.
- Creating a new statute regarding the use of subpoenas in administrative contested case proceedings, including an enforcement mechanism.
- Updating provisions regarding informal disposition to reflect modern alternative dispute resolution practices.
- Adding time limitations related to emergency orders to ensure that contested cases arising therefrom do not languish indefinitely.

- Bolstering the requirements for the contents of the agency record required to be maintained by agencies.
- Expanding the kinds of prior orders and other guidance materials agencies are required to maintain on a public-facing website, to further align with Executive Order No. 2020-02, “Transparency in Agency Guidance Documents.”
- Refining the kinds of evidence admissible in contested cases.
- Updating the 1961 MSAPA references to OAH’s “hearing officers” to the modern parlance of “administrative law judge,” which has been in use in other jurisdictions since the 1981 version of the MSAPA.
- Other clean-ups reflecting OAH’s launch in 2022.

The bills proposing these changes (HB9a and HB63) both passed unanimously, and went into effect on July 1, 2025. This APA modernization effort is key in further advancing Idaho law to ensure that individuals involved in administrative contested case proceedings are afforded their due process rights.

*The 43<sup>rd</sup> Annual Central Panel Directors Conference*



While still the youngest of all central panel agencies in the United States, Idaho will be the host for the 43<sup>rd</sup> Annual Central Panel Directors Conference (“CPDC”) in 2026. The CPDC is the foremost annual conference for central panel agencies, bringing together the chief administrative law judges and other key personnel from all 31 central panel states and other jurisdictions to discuss key developments and topics specific to central panel agencies. The weeklong CPDC, funded by all central panel participants, provides central panel staff the opportunity to meet on issues of the day, exchange information and updates about innovations and challenges faced by other central panel

jurisdictions, and hear from expert speakers on bleeding-edge administrative law issues that central panel agencies face.

Idaho will be hosting the 43<sup>rd</sup> CPDC in Coeur d'Alene, and OAH looks forward to putting Idaho squarely in the national spotlight to highlight all of the amazing things Idaho has to offer. Watch this space next year for a recap!

### *Improving Case Efficiencies through Alternative Dispute Resolution*

OAH's organic statutes recognize that a key aspect of modern legal practice is alternative dispute resolution ("ADR"), and OAH is charged with providing mediation services to Idaho's agencies in any proceeding an agency may be involved in - even if not an administrative proceeding!

OAH's General Government Division saw a significant increase in the number of mediations for 2025: whereas 2 mediations were conducted in 2024, 8 were conducted in 2025. Impressively, all but one of these resolved, yielding an 87.5% success rate, rivaling success rates of private mediators. As with ADR in any context, early resolution benefits everyone involved: Petitioners and agencies get certainty in case outcome, disputes are resolved more quickly, and all parties (including the assigned ALJ) save the time and money required to fully prepare and put on an administrative contested case hearing.

On the Health and Social Services Division side, OAH launched an innovative pilot program, modeled on similar ADR programs in North Carolina and Alaska, to offer mini-mediations in certain Department of Health and Welfare ("DHW") matters. That program is ongoing, with a report regarding the results of the pilot program anticipated to be issued in Q1 of 2026 (depending on when the case sample size is filled). Early results are promising, and have yielded the same benefits as seen in General Government Division matters.

Finally, with the recent creation of the Idaho State Public Defender ("SPD") as a single statewide agency for the provision of indigent criminal defense services, public defenders now have the ability to request ADR services from OAH in criminal proceedings. To ensure that OAH ALJs were appropriately prepared, all OAH ALJs are required to complete 15 hours of criminal mediation training, over and above the 12-hour requirement under Idaho Criminal Rule 18.1. While OAH anticipates criminal mediations will likely be few and far between, OAH's ability to

conduct these mediations provides the SPD, prosecutors, and Idaho's judiciary one more potential mediation option in matters where more traditional criminal mediators may be unavailable to conduct a needed mediation.

### *Staff Updates*

2025 also saw OAH continue its ongoing training and development of its ALJs, adhering to its (unofficial) motto that, "if we're not hearing a case, we're training for the next one." In addition to regular, ongoing in-house training for OAH ALJs and its independent contract hearing officers, OAH ALJs also presented on a number of topics to the Idaho State Bar in continuing legal education courses and published articles in the monthly Idaho State Bar magazine, *The Advocate*. Further, OAH sent an ALJ to the Idaho Academy of Leadership for Lawyers ("IALL"), a "highly selective and well-regarded leadership training program for lawyers from across the State of Idaho," and additionally sent a Deputy Clerk to the State of Idaho's Certified Public Manager® (CPM) program, a "nationally accredited leadership development initiative designed to strengthen management and leadership capacity across Idaho's state government." OAH's Deputy Chief

ALJ Leslie Hayes also attended the National Judicial College's Judicial Executive Leadership program at Harvard Law School, a program "committed to fostering foresight, ethical grounding, and innovative leadership within the judiciary" and attended by key judicial leadership from around the nation.



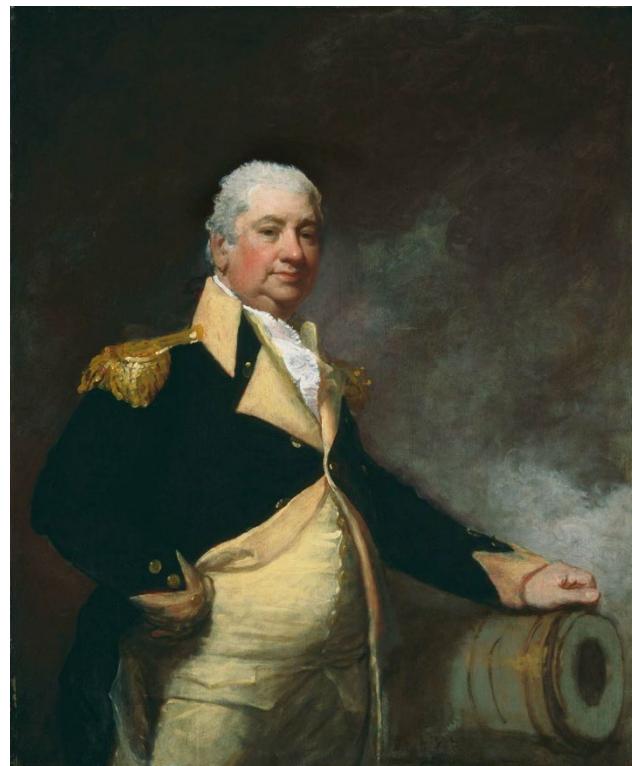
*Deputy Chief Leslie Hayes and Judge Nancy Baskin (Ada County) - dinner at the Harvard Faculty Club*

Additionally, OAH saw its newest ALJ appointment since its initial agency-startup hiring, welcoming Mychal Schwartz, who brings a wealth of administrative contested case experience and knowledge from his prior service in the State of Washington's OAH and the Idaho Industrial Commission.

### *America at 250*

In 2026, America celebrates the 250<sup>th</sup> anniversary of the Declaration of Independence. As part of those celebrations, Idaho's Legislature has encouraged all Idahoans "to promote an awareness and understanding of the principles contained in the nation's founding documents, including but not limited to representative government, personal responsibility, individual liberty, and equal and inalienable rights." House Concurrent Resolution 31 (2024).

OAH's contribution to the celebration of America's 250<sup>th</sup> birthday is the honoring of America's first administrative law judge judge, General Henry Knox (the one for whom Fort Knox is named). General Knox is one of America's lesser-known Founding Fathers, but as a senior general in the Continental Army serving as Washington's chief of artillery, he played a critical role in winning the Revolutionary War, and was America's first Secretary of War. In conjunction with that role, he also became America's first administrative law judge, adjudicating applications for pensions by widows and orphans of Revolutionary War officers.



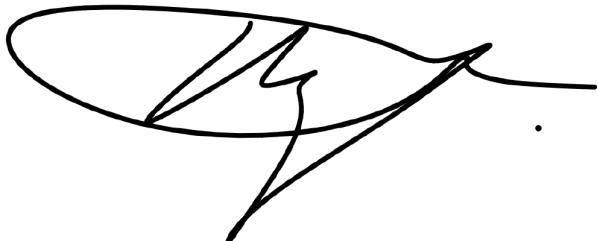
*Gen. Henry Knox*

More about Gen. Henry Knox can be found on OAH's website, at <https://oah.idaho.gov/america250/> (researched and written by yours truly over the course of a few weekends).

*Final Thoughts*

While OAH continues to mature as a young agency, we intend to keep our collective eyes squarely on our *raison d'être* - ensuring that individuals receive independent, efficient, and unbiased hearings in administrative contested cases. Doing this means not relying on the lazy tautology of "due process is the process that is due," but instead recognizing that "due process" are action words. As laws, regulations, technologies, etc., continue to evolve in the administrative context, so must OAH's efforts to ensure that we hew as closely as possible to our mission. I remain confident that OAH will continue to innovate and lead in doing so.

Best wishes for 2026!



Bryan A. Nickels  
Chief Administrative Law Judge

*OAH's Mission Statement*

*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.*

## Case Mix – General Government Division

In 2025, OAH's General Government Division received 160 case assignments from 11 different Idaho state agencies, compared to 140 in 2024 (a **14.3% increase**). The majority of case assignments were from the Idaho Department of Transportation, which included matters ranging from commercial driver's license (CDL) disqualification proceedings to right-of-way encroachment disputes.

Agency	Cases (+/- 2024)	%age of total
Idaho Transportation Dept.	107 (+16)	66.9%
Dept. of Lands	12 (+2)	7.5%
Div. of Occupational & Professional Licensing*	12 (+5)	7.5%
Idaho Personnel Commission	7 (-9)	4.4%
PERSI	5 (+4)	3.1%
Oil & Gas Commission*	4 (+2)	2.5%
Dept. of Finance	4 (+2)	2.5%
Dept. of Insurance	4 (+4)	2.5%
Idaho State Police (POST/ABC)	3 (+2)	1.9%
Dept. of Agriculture	1 (+1)	0.6%
Public Charter School Commission	1 (+1)	0.6%
Dept. of Environmental Quality	0 (-5)	0.0%
Dept. of Education / Educational Institutions	0 (-1)	0.0%
Idaho State Bar	0 (-1)	0.0%
Div. of Vocational Rehabilitation	0 (-1)	0.0%
Dept. of Administration / DOP / DPW	0 (-1)	0.0%
Div. of Veterans Services	0 (-1)	0.0%
<b>Total Cases</b>	<b>160</b>	

\* Within the category of DOPL cases, OAH conducted contested cases for various member boards in 2025 as follows: Board of Dentistry (3), Board of Medicine (3), Board of Nursing (2), Board of Social Work Examiners (2), the Physical Therapy Board (1), and the Idaho Barber and Cosmetology Services Licensing Board (1).

\* Due to the nature and complexity of cases before the Oil & Gas Commission, they are tracked separately from Dept. of Lands case counts.

## Case Mix – Health and Social Services Division

OAH's Health and Social Services Division received 469 case assignments from the Department of Health and Welfare for 2025, its first full year since OAH began handling DHW matters beginning July 1, 2024. This is similar to the total of 468 DHW case assignments handled by the prior Fair Hearings Unit for FY24.

DHW Division	Program	Cases	%age of total
<b>Audit/Investigation</b>		<b>3</b>	<b>0.6%</b>
	Intentional Program Violation	0	
	Medicaid Program Audits	3	
<b>Behavioral Health</b>		<b>0</b>	<b>0.0%</b>
	Minor Access to Tobacco	0	
<b>Family &amp; Comm. Serv.</b>		<b>35</b>	<b>7.5%</b>
	Central Registry	35	
<b>Licensing &amp; Cert.</b>		<b>4</b>	<b>0.9%</b>
	Facility Discharge/Transfer	4	
<b>Medicaid</b>		<b>194</b>	<b>41.4%</b>
	Children's Develop. Disab. Programs	4	
	Children's Support and Spending Plan	24	
	Katie Beckett Program	1	
	Medicaid Benefits & Services	165	
<b>Welfare</b>		<b>227</b>	<b>48.4%</b>
	Aid to Aged, Blind & Disabled	17	
	Child Care Licensing	0	
	Food Stamp Program	75	
	Idaho Child Care Program	15	
	Medicaid Eligibility	23	
	Temporary Assistance for Families in Idaho	1	
	Community Spouse Resources Allowance	2	
	Child Support Services	94	
<b>Other</b>		<b>6</b>	<b>1.3%</b>
<b>Total Cases</b>		<b>469</b>	

## Mandatory and Permissive Matters

Pursuant to Idaho Code §67-5280(2)(a), OAH has two major functions:

- “Conduct all contested case proceedings that arise from an appeal of an agency order” - these are the **mandatory** case proceedings, where an agency must use OAH for hearing officer services, and where OAH must accept the case assignment. These are matters which arise within, and are subject to, the Administrative Procedure Act (“APA”).
- “Conduct such adjudicatory hearings, mediations, and arbitrations not required by this chapter that are requested by agencies and agreed to by the office of administrative hearings at such monetary rates as established by the office of administrative hearings” - these are the **permissive** case proceedings, where an agency may use OAH (but is not required to), and where OAH may accept the assignment. These are matters which can arise under the APA, but may also arise under other statutory provisions or in other cases (to include matters before a state or federal court).

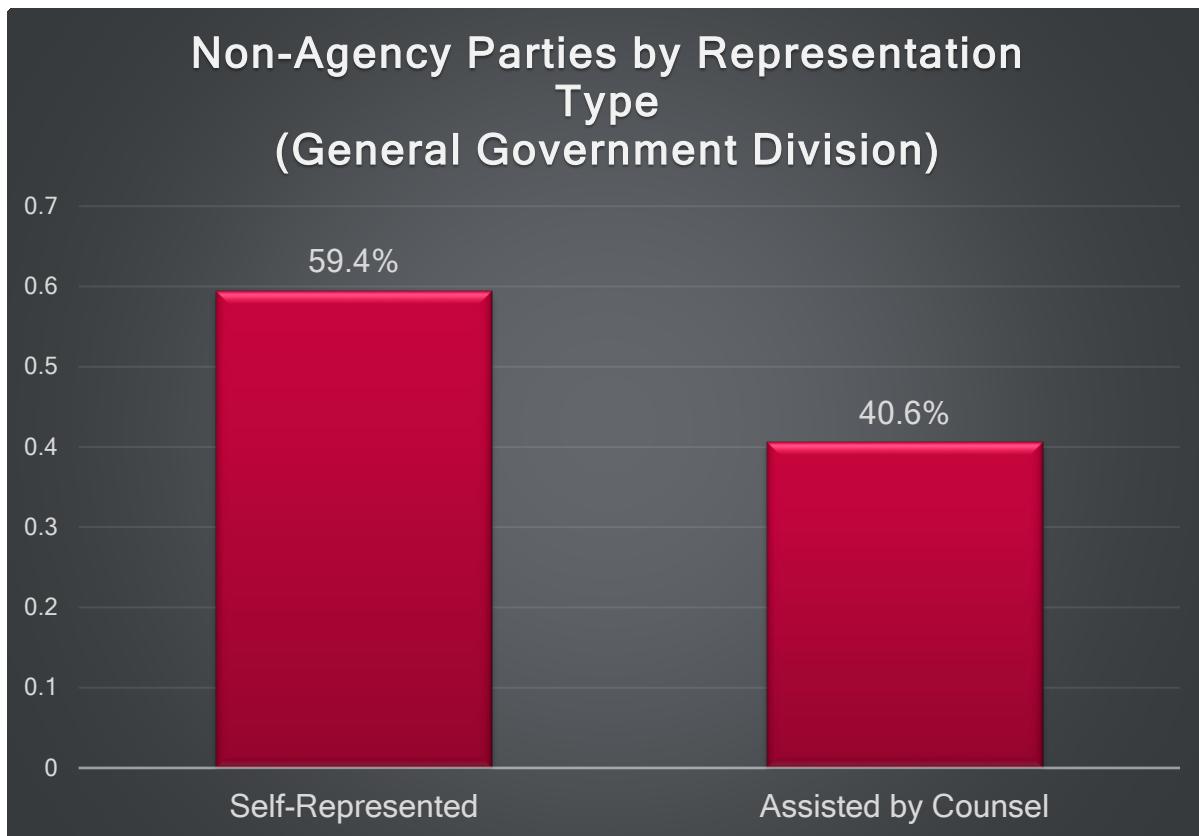
While all of OAH’s case assignments from DHW are mandatory in nature, OAH’s General Government Division occasionally handles permissive matters for Idaho’s other agencies, including matters when an agency requests an OAH ALJ to oversee a proceeding before the agency issues an initial determination.

In 2025, **18.1%** of OAH’s accepted case assignments in the General Government Division were permissive in nature. Although OAH may refuse permissive assignments (based upon conflicts, caseload, etc.), OAH did not refuse any permissive assignments in 2025.

Finally, OAH’s “permissive” function also includes the broad ability to provide mediators and arbitrators, if an agency requests, in any scenario where an agency might require one. OAH conducted **8** General Government mediations in 2025.

## Non-Agency Party Representation Profile General Government Division

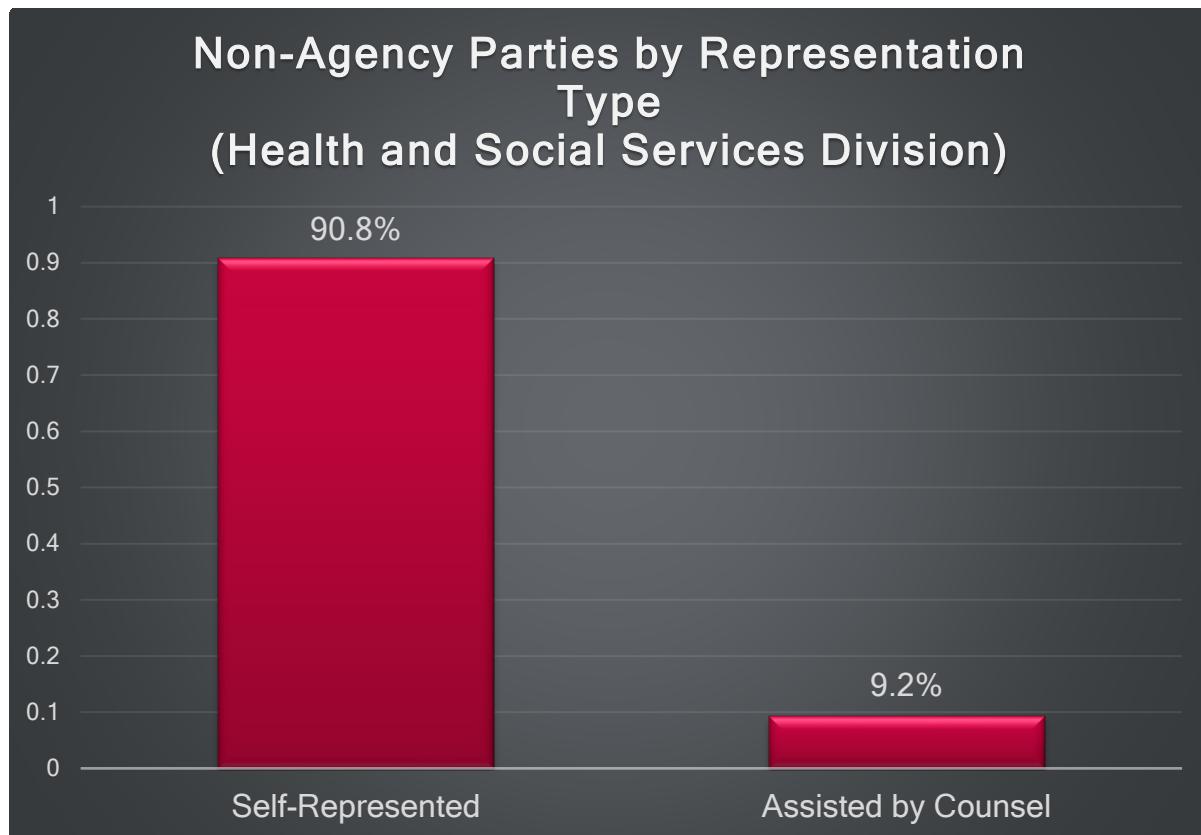
Non-agency parties (that is, citizens and businesses) that appear in contested cases before OAH ALJs may be represented by counsel. For 2025, the majority of those parties (59.4%) were self-represented:



2025's representation rate of 40.6% represented a notable increase in representation as compared with 2024, when just 32.1% of non-agency parties were represented by counsel in General Government matters.

## Non-Agency Party Representation Profile Health and Social Services Division

For 2025, the vast majority of non-agency parties (90.8%) appearing in matters before the Health and Social Services Division of OAH were self-represented:

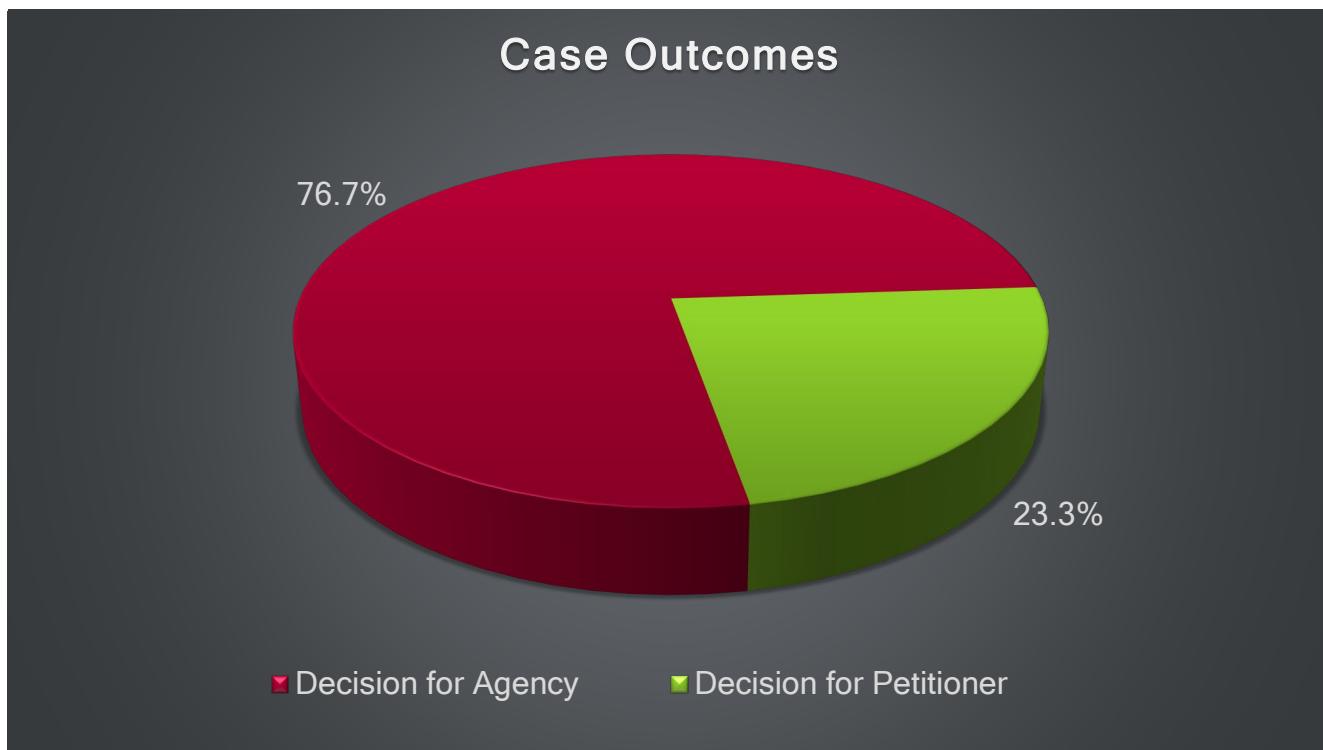


Representation by counsel within higher-volume program cases (program cases comprising ~5%+ of OAH's total Health and Social Services Division case count) was mixed:

- Central Registry: 49%
- Medicaid Eligibility: 9%
- Child Support Services: 9%
- Medicaid Benefits: 4%
- Children's Support and Spending Plan: 0%
- Food Stamps: 0%

## Case Outcomes – General Government Division

In General Government Division proceedings, non-agency parties (that is, citizens and businesses) generally seek relief either in the form of relief from an existing agency order, or in the form of the granting of an application/permit made to the agency. In contested case proceedings that went to decision (including matters that were resolved, at least in part, in non-agency parties' favor prior to decision), non-agency parties prevailed in securing whole or partial relief 23.3% of the time in 2025\*, as compared to 24.0% in 2024 and 15.3% in 2023:



In just ITD matters, non-agency parties achieved some favorable result in 23.4% of contested cases (versus 23.9% in 2024). In non-ITD matters, non-agency parties achieved some favorable result in 23.1% of contested cases (24.3% in 2024).

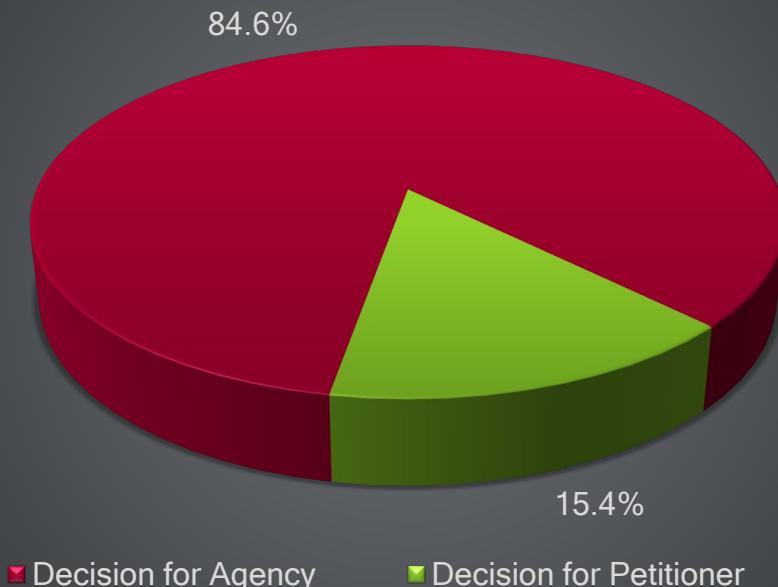
\* Data includes 27 carryover cases from 2024 which were completed in 2025.

## Case Outcomes – Health and Social Services Division

In Health and Social Services Division proceedings, non-agency parties (that is, citizens and businesses) generally seek relief from an existing agency order. For 2025\*, in all completed cases (irrespective of form of conclusion), non-agency parties secured whole or partial relief in 9.4% of all contested case outcomes.

However, where a contested case concluded with a formal written decision issued by ALJs (that is, excluding defaults and dismissals), non-agency parties prevailed, in whole or in part, 15.4% of the time:

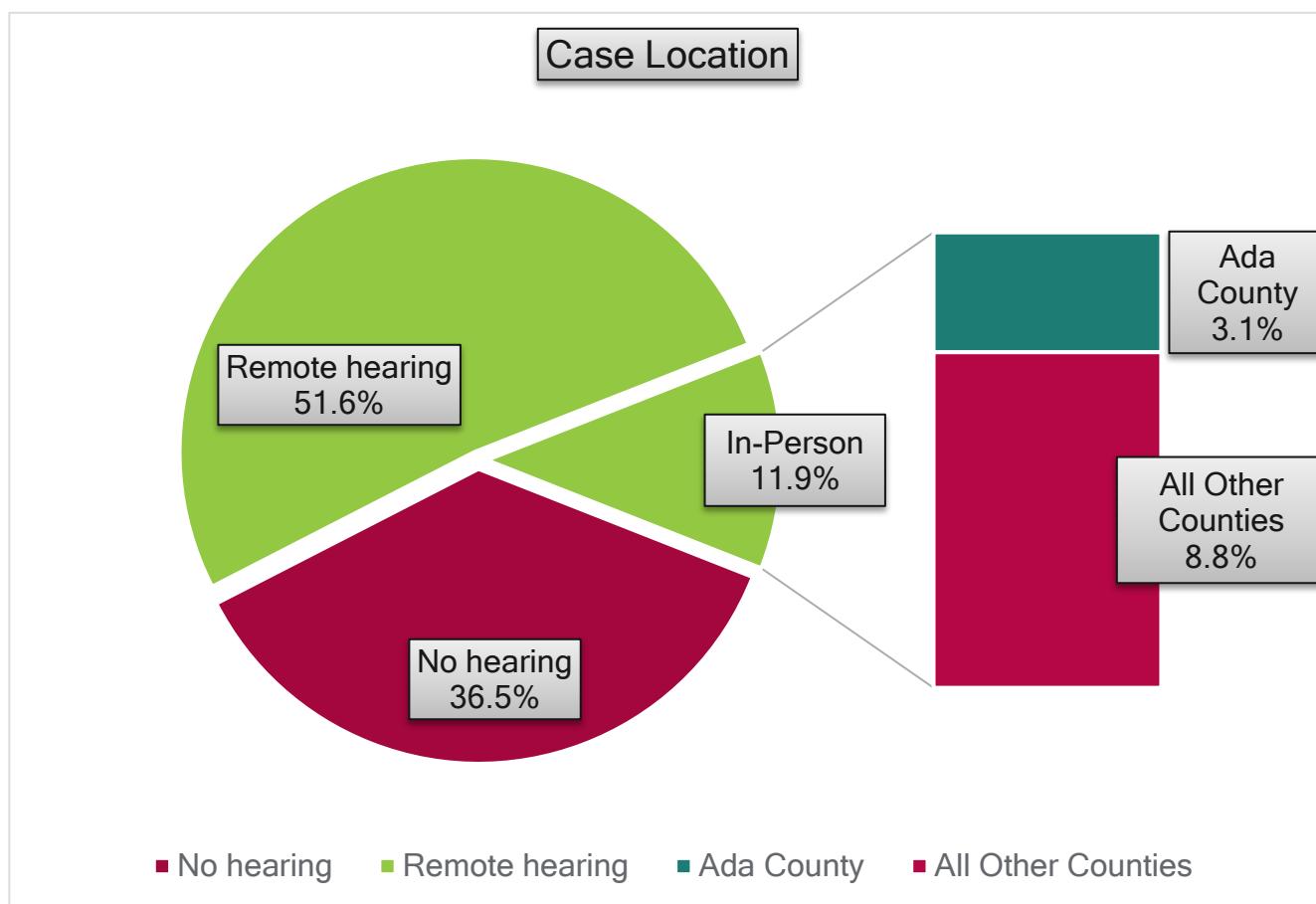
Case Outcomes (Excl. Defaults/Dismissals)



\* Data includes 76 carryover cases from 2024 which were completed in 2025.

## Hearing Locations – General Government

In General Government matters, OAH generally allows parties to conduct their contested case proceedings either in-person or remotely. For matters that are conducted in-person, the OAH ALJ will work with the parties to identify a location for the hearing, unless otherwise set by statute or regulation. As a result, OAH ALJs conduct “field hearings” all across Idaho whenever a proceeding necessitates an in-person hearing. For General Government cases completed in 2025\*, **63.5%** went to hearing (a small decrease compared to 68.8% in 2024). Additionally, **11.9%** of completed cases were held in-person (versus 8.8% in 2024), almost three-quarters of which were held outside of Ada County:



\* Data includes 27 carryover cases from 2024 which were completed in 2025.

\*\* As an aside, given the volume and geographic breadth of cases, proceedings in the Health and Social Services Division are almost exclusively conducted via teleconference, although parties are afforded the option to conduct those via videoconference or in-person. Of matters that went to order, **70.1%** of Health and Social Services Division proceedings went to hearing.

## Key Deadline – Time to Appointment General Government Division

OAH previously determined that two key timeframes should be tracked for analysis: time for appointment of an ALJ as hearing officer on a matter, and the time from case receipt to issuance of the ALJ's concluding order.

Recognizing that the contested case process before an OAH ALJ may be, for many petitioners, the first step before additional levels of review either by an agency head or the court system, OAH recognized the need to ensure that the appointment process be made as quickly as feasibly possible. Prompt assignment enables the assigned ALJ to quickly set initial hearings, including scheduling conferences.

In light of this, OAH's internal standard aims to 1) confirm receipt of new matters with the assigning agency within 1 business day of transmittal to OAH, and 2) thereafter appoint a ALJ within 1 additional business day. Cases may be assigned more promptly than this 2-business-day target.

OAH's General Government Division was able to meet this 2-business-day standard in 98.8% of its 2025 contested case assignments (158 out of 160 cases), comparable to the 99.3% figure in 2024.

Additionally, as OAH successfully streamlined the assignment of certain matters, the average time from assignment by an agency to appointment of a hearing officer, across all General Government Division case assignments, was 1.2 business days (improving upon the 1.3 in 2024).

## Key Deadline – Time to Appointment Health and Social Services Division

Consistent with prior practice of the Fair Hearings Unit of the Office of the Attorney General, OAH has determined that, in the vast majority of Health and Social Services Division contested cases, a single joint notice of appointment/notice of hearing is the best practice as a first filing for the parties in the proceeding. This contrasts with General Government Division practice, where an initial appointment issues, followed by the assigned ALJ setting subsequent conferences and/or hearings, depending on the demands of the case and governing statutory/regulatory authority.

Given the variety of cases handled by the Health and Social Services Division and the organizational needs prior to conducting a hearing, and to accommodate the joint notice of appointment/notice of hearing, OAH has set an initial internal standard to issue the joint notice of appointment/notice of hearing within 5 business days following assignment by DHW. The initial joint notice is frequently issued more promptly than this target.

OAH's Health and Social Services Division was able to meet this 5-business day standard in 96.4% of contested cases assigned by DHW to OAH in 2025.

Additionally, the average time for OAH's issuance of the initial notice, across all Health and Social Services Division matters for 2025, was 2.7 business days.

## Key Deadline – Time-to-Order General Government Division

OAH's internal goal for all ALJs across all cases in the General Government Division is to issue a decision within 180 days of assignment (recognizing that there will always be outliers, typically the result of either case complexity or accommodation of unusual scheduling needs by the parties).

For General Government cases that resulted in a concluding order in 2025 (including holdover cases assigned in 2025), 93.1% had orders issued within the 180-day target, quite comparable with 2024's figure of 93.6%.

Digging deeper into the data, 78.0% of all General Government cases had orders issued within 90 days of agency assignment, down slightly from the 85.1% figure in 2024, due largely to longer-running carryover cases from 2024 and an increase in more complex case assignments, as well as administrative burdens associated with such cases. However, excluding those carryover cases, OAH's <90 days figure was 86.4%.

Across all General Government Division cases (including 2024 carryovers), the average time-to-order was 67.7 days (without carryover cases, 50.2 days), versus 55.6 in 2024; for all non-ITD matters, it was 113.0 days (a significant drop from the 143.5 day figure in 2024, and even more dramatic when excluding carryover cases: just 85.8 days for matters assigned and completed in 2025), and for ITD matters, 44.7 days (versus 34.8 in 2024; without carryover cases, the 2025 average showed only a slight increase to 37.9 days).

As of December 31, 2025, all holdover cases from 2024, except one, handled by the General Government Division were concluded. For cases assigned in 2025, 29 cases remain pending as of end-of-year, the results of which will be reflected in OAH's 2026 year-end report.

## Key Deadline – Time-to-Order Health and Social Services Division

OAH's internal goal for all ALJs across all cases in the Health and Social Services Division is to issue a decision with 90 days of assignment (recognizing that some matters are required, by regulation, to be completed within even shorter periods).

For those cases assigned to OAH which resulted in a concluding order in 2025 (including cases concluding via defaults and other dismissals, which are more common in Health and Social Services Division proceedings than in General Government Division matters), 94.5% were completed within the target of 90 days. Looking at additional benchmarks, 68.4% were completed within a 45-day period, increasing to 81.9% by the 60-day mark.

In terms of days-to-order, the Health and Social Services Division's overall average across all orders was 52.6 days in 2025; for matters that required a full written preliminary order, the average days-to-order was 85.9 days.

As of December 31, 2025, for Health and Social Services Division cases assigned in 2025, 76 cases remain pending as of end-of-year, the results of which will be reflected in OAH's 2026 year-end report.

## Budgetary Efficiency

For FY2026, OAH is staffed with 6 ALJs and 3 Deputy Clerks, with a total agency budget of \$1,578,200. Based upon a comparison of current ALJ numbers amongst other central panel agencies similar in size to OAH, Idaho's OAH is most similar to Kansas, Missouri, Wyoming, and South Carolina:

State	Annual Budget	ALJs	Staff	\$/ALJ
<b>Idaho Office of Administrative Hearings</b>	<b>\$1,578,200</b>	<b>6</b>	<b>3</b>	<b>\$263,033</b>
Kansas Office of Administrative Hearings	\$2,164,667	7	7	\$309,238
Missouri Office of Administrative Hearings	\$1,694,277	5	13.5	\$338,855
Wyoming Office of Administrative Hearings	\$2,339,787	6	6	\$389,965
S. Carolina Administrative Law Court	\$7,110,257	6	44	\$1,185,043

Accordingly, Idaho's OAH continues to lead its peers with respect to budgetary efficiency in terms of dollars-per-ALJ. However, ongoing caseload growth is anticipated to stress OAH's operational capacity, and additional staffing will likely be needed in the future to avoid adverse impacts on quality and efficiency.

## Questions?

Questions regarding this report may be directed to:

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