

IDAPA 24.26.01
NEGOTIATED RULEMAKING—WRITTEN SUMMARY

Pursuant to Idaho Code section 67-5220(3)(f), the Division of Occupational and Professional Licenses (DOPL) provides the following written summary of unresolved issues, key information considered, and conclusions reached during and as a result of the negotiated rulemaking on June 1, 2026, pertaining to IDAPA 24.26.01—Rules of Midwifery, Docket No. 24-2601-2601.

The contemplated rulemaking addresses the following: (1) Updates the midwifery formulary by aligning drug handling requirements and adding additional evidence-based medications used in maternal and neonatal care, as required by 2026 [House Bill 639](#); (2) aligns continuing education (CE) requirements with biennial birthdate renewals and updates approved CE hours; and (3) makes technical corrections to Idaho Code references throughout the chapter when citations are no longer accurate.

Procedural Overview:

DOPL submitted all necessary forms to publish a Notice of Intent to Promulgate Rules—Negotiated Rulemaking in the May Administrative Bulletin.

The Notice of Intent to Promulgate Rules—Negotiated Rulemaking was published in the [May 6, 2026 Administrative Bulletin](#). The Notice of Intent to Promulgate Rules contained details to participate in a negotiated rulemaking public meeting set for June 1, 2026, and explained how written comments could be submitted.

On May 5, 2026, The Midwifery Advisory Committee discussed potential changes to their rules, and a “Version 1” draft of contemplated rules changes was posted to the [DOPL website](#).

June 1, 2026, Negotiated Rulemaking Meeting:

The negotiated rulemaking meeting was attended by the following persons:

- **Idaho Medical Association:** Mike Cunnington, Susie Keller, Dylan Ray
- **Division of Financial Management:** Brenda Nunley

The table below summarizes the discussion at the June 1, 2026, negotiated rulemaking meeting.

Under the “Response” column, “Response” indicates the answer provided by DOPL staff to the member of the public, when responding to questions. Staff did not respond to comments from members of the public but will communicate all comments to the Midwifery Advisory Committee and the Board of Nursing.

Stakeholder	IDAPA Rule(s)	Comments/ Questions	Response
Mike Cunnington, Idaho Medical Association	24.26.01.200	Mike Cunnington expressed opposition to the proposed draft rules and intends to submit a written letter against the rules if the rules as presented continue forward. He believes the rules as presented exceed the intent of HB 639 and would like to see an expressed formulary in the rule chapter.	N/A

Next Steps:

The Midwifery Advisory Committee will make a recommendation to the Board of Nursing at their June 18, 2026, meeting. The Board of Nursing will vote to adopt Proposed Rules at their July 23, 2026, Board meeting.

Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the DOPL website via the following link: <https://dopl.idaho.gov/mid/mid-statutes-rules-and-guidance/>

For assistance on technical questions concerning this negotiated rulemaking, please contact **Ryan Bernard, Legislative & Regulatory Affairs Chief**, at (775) 870-7926.