#### **Division of Behavioral Health**

#### **Background Check Waiver Process Frequently Asked Questions**

#### 1. What is a waiver?

If granted, a waiver allows an applicant who was unable to pass a criminal history background check to provide services at either an approved substance use disorder (SUD) treatment or recovery support services provider (RSS), or at a Division of Behavioral Health (DBH) Adult Mental Health Program (AMH). The waiver is limited in purpose. Should it be granted, the waiver is not a DHW Clearance. The applicant will continue to be denied for other purposes even if the waiver is approved.

#### 2. Who is eligible to apply for a waiver?

To apply for a waiver, an applicant must:

- Have either a Department of Health and Welfare (DHW) Criminal History Unit (CHU) background check Unconditional Denial letter, or a Department of Health and Welfare Conditional Denial correspondence including an Exemption Review Denial letter and:
- 2. Be applying for employment with either an approved substance use disorder (SUD) treatment or recovery support services provider (RSS), or at a Division of Behavioral Health (DBH) Adult Mental Health Program (AMH). The employer will be required to sign your application certifying that you are seeking employment.

## 3. Who do I apply to?

Applications can be submitted through an email to <a href="mailto:APS@dhw.idaho.gov">APS@dhw.idaho.gov</a> Applications can be faxed to (208) 639-5741

Applications can be mailed to:

Idaho Department of Health and Welfare

Administrative Procedures Section

450 W. State Street

P.O. Box 83720

Boise, ID 83720-0036

#### 4. Where do I get an application?

Applicants can find waiver application online on the DHW Mental Health page <a href="mentalhealth.dhw.idaho.gov">mentalhealth.dhw.idaho.gov</a> or on the DHW Substance Use Disorders page <a href="SUD.dhw.idaho.gov">SUD.dhw.idaho.gov</a>.

#### 5. Is there a cost to getting a waiver?

The cost for the original CHU background check is \$65.00. There is no additional cost to seek a waiver.

#### 6. What will make me ineligible for a waiver?

There are certain crimes that make an individual ineligible for a waiver. They are: 1)forcible sexual penetration by use of a foreign object, 2)incest, 3)lewd conduct with a minor, 4)murder in any degree or assault with the intent to commit murder, 5)rape, 6)sale or barter of a child, 7)sexual abuse or exploitation of a child, 8)enticing of children, 9)inducing individuals under 18 into prostitution or patronizing a prostitute, 10)any felony punishable by death or life imprisonment, 11)attempt, conspiracy, accessory after the fact, or aiding and abetting to commit any disqualifying crimes. An applicant is also not eligible if they haven't gone through the CHU Exemption Review process after having received a Conditional Denial letter from them after a criminal history check. Waiver requests received outside the established timeframe will be considered ineligible and not processed. From July 1<sup>st</sup>, 2014 through January 1<sup>st</sup>, 2015 a waiver may be applied for on a CHU denial issued within the past six months. After January 1<sup>st</sup>, 2015, the waiver must be applied for within 14 days of the CHU denial.

#### 7. What information do I need to submit?

An applicant must submit a completed waiver application, a copy of the CHU application, the CHU Unconditional Denial letter or a Conditional Denial letter along with the Exemption Hearing Review, and any additional information the applicant feels will make their case for receiving a waiver.

# 8. Is there a time frame for how long it has been since my crime or child protection action occurred?

No. The timeframe for seeking a waiver is based on the date of the CHU denial.

### 9. Do I have to be seeking employment in order to get the waiver?

Yes. The applicant must have a potential employer sign the original CHU background check application.

#### 10. What jobs do I need the waiver to be eligible for?

Any job, paid or as a volunteer, with an approved SUD treatment or RSS provider or a DBH AMH facility, whose position requires regular contact with clients must be able to pass the CHU background check; and if not able to do so, then must receive a waiver.

#### 11. How long does the waiver remain in effect?

A new waiver request is required whenever an individual is required to have a new criminal history and background check. The Division may choose to revoke a waiver at any time at its discretion for circumstances identified as a risk to client health and safety.

#### 12. If I am not granted a waiver at this time, can I reapply?

It depends. The Division's decision to not grant a waiver is based on the criminal history background check and supporting documentation submitted with the request. Individuals not granted a waiver may reapply but must submit a new criminal history background check and all required supporting documentation. You cannot reapply if your waiver was not granted due to one of the following disqualifying crimes: 1)forcible sexual penetration by use of a foreign object, 2)incest, 3)lewd conduct with a minor, 4)murder in any degree or assault with the intent to commit murder, 5)rape, 6)sale or barter of a child, 7)sexual abuse or exploitation of a child, 8)enticing of children, 9)inducing individuals under 18 into prostitution or patronizing a prostitute, 10)any felony punishable by death or life imprisonment, 11)attempt, conspiracy, accessory after the fact, or aiding and abetting to commit any disqualifying crimes.

# 13.If I am providing services as a volunteer, do I need to seek a criminal history check, and a possible waiver?

The same rules apply to volunteers as is listed in #10.

# 14. Who will be making the decision regarding whether I receive a waiver or not?

A committee has been appointed by the DBH Administrator to review all waiver applications and make recommendations to him or her for granting of the waiver. The final decision will be made by the DBH Administrator.

#### 15. What information will the Division be looking at, to make the decision?

All required information listed previously will be considered. An applicant should also include all information and supporting documents that he or she believes will make the case that the privilege of receiving a waiver is merited. This is your opportunity to make your case.

#### 16. Who will my information be shared with?

Submitted information will be reviewed by the administrative staff who assure the application is complete, by the committee who makes recommendations on the application and by the DBH Administrator. All of these participants are aware of the confidential nature of this information and have agreed to treat it as such.

#### 17. How long will it take before I know if a waiver has been granted?

The Department will conduct the review and make a determination within thirty (30) business days from the date of receipt of a complete written request for a waiver.

# 18. Can I provide services while the Department is reviewing my application for a waiver?

No.

## 19. Can the waiver be used for certification (i.e. CADC)?

Currently the Idaho Board of Alcohol/Drug Counselor Certification (IBADCC) requires a criminal history and background check clearance for any certification issued by the IBADCC. Board members are reviewing the DBH waiver process but have not made a decision on whether or not to accept it. At this time, a waiver granted by DBH may not be used for certification or licensure through a certifying or licensing body such as IBADCC or the Idaho Bureau of Occupational Licensing (IBOL)

## 20. Will Optum accept a waiver?

Not currently.