

## Idaho Department of Health and Welfare

### Division of Behavioral Health

#### Background Check Waiver Frequently Asked Questions

##### 1. What is a Behavioral Health Waiver?

If granted, a waiver allows individuals who are unable to pass a criminal history background check to provide peer services at programs approved by and/or administered under the Division of Behavioral Health (DBH). The waiver is limited in purpose and scope, as described below, and is not a Criminal History Unit (CHU) clearance. The DBH waiver process is available to programs operating under the following IDAPA (Idaho Administrative Procedures Act) chapters.

- [IDAPA 16.07.15](#) (Behavioral Health Programs)
- [IDAPA 16.07.17](#) (Substance Use Disorders Services)
- [IDAPA 16.07.30](#) (Behavioral Health Community Crisis Centers)
- [IDAPA 16.07.33](#) (Adult Mental Health Services)
- [IDAPA 16.07.50](#) (Minimum Standards for Nonhospital, Medically Monitored Detoxification/Mental Health Diversion Units)

##### 2. Who is eligible for a Behavioral Health Waiver?

Eligibility is limited to certified or uncertified peers (Recovery Coaches, Peer Recovery Coaches, Family Support Partners, Peer Support Specialists) seeking to provide peer services at a program approved by and/or administered under the DBH. (See question #14 below if you were granted a waiver prior to 7/1/18.)

##### 3. How do I apply for a Behavioral Health Waiver?

Applications can be found on the Division of Behavioral Health's [website](#), or you may call 208-334-4929 or email [Sherry.Johnson@dhw.idaho.gov](mailto:Sherry.Johnson@dhw.idaho.gov) to request a hard copy. The application provides detailed instruction about required supporting documentation, eligibility, and where/how to submit.

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

There is no cost to apply for a waiver. However, applicants must have a denial from the Department's Criminal History Unit (CHU), which does include a fee. You can learn more by visiting the [CHU website](#).

**5. Do I need to be associated with an agency to apply for a waiver?**

Yes, applicants must have a potential employer sign the original CHU background check application to verify their work/volunteer status with the agency.

**6. How long does the waiver remain in effect?**

Unless revoked by the DBH, a waiver does not expire as long as the individual peer remains in the same position with the same agency.

**7. Can I transfer my waiver to a new employer or agency?**

Yes, there is a separate application process for individuals seeking to transfer their waiver to a new employer or agency. The transfer application can be found [here](#).

**8. What factors are considered for granting a waiver?**

Factors to be deliberated when considering a waiver include the severity or nature of the crime, period of time since the crime occurred, and circumstances surrounding the incident. Certain crimes, including those of a sexual nature, violent crimes, crimes against children and felonies punishable by death or life imprisonment are not eligible for the waiver process. Refer to [IDAPA 16.07.15.009.04](#) for a detailed listing.

**9. Who decides 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. This committee consists of representatives from the DBH, Idaho Supreme Court, Idaho Department of Corrections, and the Idaho Department of Juvenile Correction. The final decision will be made by the DBH Administrator.

**10. Who will my information be shared with?**

Information will be reviewed by the administrative staff who assure the application is complete, the appointed committee members, 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.

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

The review will be completed within thirty (30) days from the date of receipt of a complete application. Applicants will be notified within fifteen (15) days of the review. The process may take up to forty-five (45) days.

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

No, applicants may not provide services while their application is pending.

**13. Will Medicaid/Optum Idaho recognize a DBH waiver?**

No, the DBH waiver is not recognized by Medicaid/Optum Idaho. Peers working in the Medicaid system must have a CHU clearance.

**14. I was granted a waiver prior to 7/1/18, but do not meet current rule criteria as a “peer.” Will my waiver still be recognized?**

DBH will continue to recognize Waivers granted to individuals not employed as a Peer Support Specialist, Family Support Partner, or Recovery Coach prior to the amended rule change. The Department may revoke a waiver at its discretion for circumstances that it identifies as a risk to participants’ health and safety (IDAPA 16.07.15.009.11).

**15. Who can I contact with additional questions or concerns about the waiver process?If**

you have any questions please contact Sherry Johnson at (208) 334-4929 or [sherry.johnson@dhw.idaho.gov](mailto:sherry.johnson@dhw.idaho.gov)