



IDAHO DEPARTMENT OF
HEALTH & WELFARE

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DATE: 7/11/18

TO: DIVISION OF BEHAVIORAL HEALTH PROGRAMS

FROM: IDAHO DEPARTMENT OF HEALTH AND WELFARE, DIVISION OF BEHAVIORAL HEALTH

SUBJECT: AMENDED RULE CHANGES IN THE WAIVER OF CRIMINAL HISTORY AND BACKGROUND CHECK DENIAL

As of July 1, 2018, amended language to the Waiver of Criminal History and Background Check Denial sections of DBH IDAPA rules has been implemented. The new language states:

03. Waiver of Criminal History and Background Check Denial. A certified or uncertified individual who is seeking to provide Peer Support Specialist, Family Support Partner, or Recovery Coach services that receives an unconditional denial or a denial after an exemption review by the Department's Criminal History Unit, may apply for a Behavioral Health waiver to provide direct care or services, or serve in a position that requires regular contact with participants. A waiver may be granted on a case-by-case basis upon administrative review by the Department of any underlying facts and circumstances in each individual case. A waiver will not be granted for crimes listed in Subsection 009.04 of this rule.

This language is included in the following DBH IDAPA chapters

- IDAPA 16.07.15 Behavioral Health Programs
- IDAPA 16.07.17 Substance Use Disorder 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

This memo is a notification that the new language signifies only individuals seeking employment as a Peer Support Specialist, Family Support Partner, or Recovery Coach are eligible to apply for a Behavioral Health waiver.

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).

7/11/18

Updated application documents and FAQs can be found on the following Department webpages:

Substance Use Disorders

<https://healthandwelfare.idaho.gov/Medical/SubstanceUseDisorders/tabid/105/Default.aspx>

Mental Health

<https://healthandwelfare.idaho.gov/Medical/MentalHealth/tabid/103/Default.aspx>

If you have any questions please contact Don Caagbay at (208) -334-5528 or

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Thank You

Division of Behavioral Health Staff