

## **New Rules Effective July 1, 2020**

**Last spring, the Department of Health and Welfare held negotiated rulemaking meetings to gather public input for Docket No. 16-0319-1901, which proposed these two additions to CFH rule:**

- A recurring criminal history and background check every five (5) years through the department's Criminal History Unit for CFH providers, their substitute caregivers, and other adults living in their homes (except the residents receiving care); and
- Include revocation or denial of a child care license (e.g., foster care license, day care license, etc.) as a reason to deny an application for a CFH certificate.

Besides the negotiated rulemaking meetings, these proposed rules were also discussed in several 2019 meetings with the Community Care Advisory Council (CCAC), which consists of stakeholders representing interests in the certified family home and residential care/assisted living industries. Having the support of the CCAC, and hearing no opposition to the proposals during the public comment period, the Board of Health and Welfare adopted Docket No. 16-0319-1901 last November, and the Idaho legislature approved the docket during the 2020 legislative session. For the full text of Docket No. 16-0319-1901, please see pages 1217-1221 of the Senate Health & Welfare Committee's [Pending Rules Review Book](#). These new rules go into effect on July 1, 2020.

Certifying agents will begin surveying to the new requirements beginning in July. As part of recertifying each CFH over the next year, certifying agents will search the Criminal History Unit's database for the provider, substitute caregivers, and any other adults living in the home (except for residents) to determine when they last cleared a department criminal history and background check. It is important that each person falling into categories be listed on the Renewal Application. If the last clearance for the CFH program was earlier than five (5) years ago, certifying agents will give providers technical assistance about compliance with the new rule. Providers who receive technical assistance should take steps to comply within 30 days. The certifying agent will then verify compliance at the provider's next survey.

The Criminal History Unit is taking fingerprints by appointment or mail-in only at this time. To begin a new check, log on to

<https://chu.dhw.idaho.gov/Security/User/Login/Login.aspx> and complete a new application. The Agency Code or **Employer ID** to use for the CFH program is **1104**. Should you have questions about the department's criminal history and background check process, please contact the Criminal History Unit at 1-800-340-1246.

On a related note, there were preliminary discussions about moving the CFH program from a standard check to an enhanced check, which would require rule changes to IDAPA 16.05.06, "Criminal History and background Checks." Enhanced checks include information from other states' adult protection and child protection agencies, as well as child protection complaints substantiated at Level 3 in Idaho. At this time, the governor has ordered that only vital changes be made to Administrative Code, so the proposal for a move to an enhanced check is postponed, but will be revisited at a later time. However, the CFH Management Team is working more closely with the Division of Family and Community Services to ensure that both children and vulnerable adults are not endangered.