



IDAHO DEPARTMENT OF
HEALTH & WELFARE

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Date: September 28, 2015

To: SUD Provider Network

From: DHW, IDOC, IDJC, ISC

Re: Criminal Background Check Compliance

IDAPA rule 16.07.17.009 defines the criminal background check requirements for substance use disorder services providers. The rule states that:

- Any individual bound by these rules is “available to work on a provisional basis at the discretion of the employer or agency once the individual has submitted his criminal history and background check application, it has been signed and notarized, reviewed by the employer or agency and no disqualifying crimes or relevant records are disclosed on the application. An individual must be fingerprinted within twenty-one (21) days of submitting his criminal history and background check application.” If the individual is required to apply for a waiver due to disqualifying crimes, they cannot provide services until the waiver is granted.
- An individual is allowed to work or have access to clients only under supervision until the history and background check is completed.
- An individual who does not receive a criminal history and background check clearance or a waiver granted under the provisions in this chapter, may not provide direct care or services, or serve in a position that requires regular contact with clients in an alcohol and substance use disorders treatment and recovery support services program.

The Department of Health and Welfare’s Division of Behavioral Health has implemented a new process in which the Criminal History Unit notifies the Division of Behavioral Health when an individual has provided services prior to clearance or waiver granted. Providing services prior to submission of the criminal history and background check application is in violation of this rule and may be subject to claim recoupment.

Compliance with these rules is critical in protecting the health and safety of our customers. If you have questions regarding the Criminal Background Check process or results, please contact the Criminal History Unit at crimhist@dhw.idaho.gov or by calling 1-800-340-1246.