



Jeff Youtz
Director

Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee
FROM: Senior Legislative Research Analyst - Ryan Bush
DATE: September 27, 2013
SUBJECT: Department of Health and Welfare - Alcohol & Substance Use Disorders

IDAPA 16.07.17 - Rules Pertaining To Alcohol & Substance Use Disorders Services (Docket No. 16-0717-1301)

IDAPA 16.07.20 - Rules Pertaining To Alcohol & Substance Use Disorders Treatment & Recovery Support Services Facilities & Programs (Docket No. 16-0720-1301)

(1) 16.07.17 - Rules Pertaining To Alcohol & Substance Use Disorders Services (Docket No. 16-0717-1301)

The Department of Health and Welfare submits notice of proposed rulemaking at IDAPA 16.07.17 - Rules Pertaining To Alcohol & Substance Use Disorders Services. The Department states that the proposed rule provides an administrative review on a case-by-case basis for those who do not receive a criminal history clearance to request a waiver and provides for this waiver to help establish a peer recovery system for providers of alcohol and substance use disorders services (SUD). The Department further states that it has received complaints from SUD service providers regarding the current rule as it negatively impacts their workforce and ability to provide treatment services. The Department believes that this rule protects the client and acknowledges those who have been successful in their recovery by allowing them to work in the treatment field. Specifically, this rulemaking accomplishes the following:

- (1) Revises the list of those who must comply with criminal history and background checks;
- (2) Establishes new procedures and availability to work for those who submit to a criminal history and background check;
- (3) Provides for a waiver of criminal history and background check for an individual who receives a denial;
- (4) Designates crimes for which no waiver will be granted;
- (5) Provides an administrative review for a waiver and the process and factors to be considered for such review;
- (6) Provides for employer responsibility; and

(7) Provides a definition for "Good Cause."

The Department states that negotiated rulemaking was conducted and a Notice of Intent to Promulgate Rules was published in the April edition of the Idaho Administrative Bulletin. A public meeting was held in Boise on September 10 with videoconferencing available at each of the Department's regional offices.

The proposed rule appears to be within the statutory authority granted to the Department in Sections 39-4605 and 56-202(b), Idaho Code.

(2) 16.07.20 - Rules Pertaining To Alcohol & Substance Use Disorders Treatment & Recovery Support Services Facilities & Programs (Docket No. 16-0720-1301)

The Department of Health and Welfare submits notice of proposed rulemaking at IDAPA 16.07.20 - Rules Pertaining To Alcohol & Substance Use Disorders Treatment & Recovery Support Services Facilities & Programs. The Department states that the proposed rule provides an administrative review on a case-by-case basis for those who do not receive a criminal history clearance to request a waiver and provides for this waiver to help establish a peer recovery system for providers of alcohol and substance use disorders services (SUD). The Department further states that it has received complaints from SUD service providers regarding the current rule as it negatively impacts their workforce and ability to provide treatment services. The Department believes that this rule protects the client and acknowledges those who have been successful in their recovery by allowing them to work in the treatment field. Specifically, this rulemaking accomplishes the following:

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cc: Department of Health and Welfare

Tamara Prisock

Treana Clark