



Jeff Youtz
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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: August 9, 2013
SUBJECT: Department of Health and Welfare - Criminal History and Background Checks

IDAPA 16.05.06 - Rules Pertaining To Criminal History and Background Checks (Fee Rule) (Docket No. 16-0506-1301)

The Department of Health and Welfare submits notice of temporary and proposed rulemaking at IDAPA 16.05.06 - Rules Pertaining To Criminal History and Background Checks (Fee Rule). The Department states that this rulemaking is needed to implement the provisions of House Bill 125 adopted by the 2013 Legislature. House Bill 125 requires the Department to conduct a criminal history check on a new class of individuals, court-appointed guardians and conservators for vulnerable adults. Such criminal history checks are conducted at the proposed guardian's expense. The proposed rulemaking adds statutory references and adds the new class of individuals that requires a criminal history check.

The Department states that negotiated rulemaking was not conducted because the rulemaking is necessary to meet statutory requirements and that a temporary rule is needed in order to protect children and vulnerable adults. There is no fiscal impact to the state general fund associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Department in Sections 56-202(b), 56-204A and 56-1007, Idaho Code, and House Bill 125.

cc: Department of Health and Welfare - Criminal History and Background Checks
Tamara Prisock
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