

Dear Senators HEIDER, Nuxoll, Schmidt, and
Representatives WOOD, Packer, Rusche:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of
the Department of Health and Welfare:

IDAPA 16.05.06 - Criminal History and Background Checks - Temporary and Proposed Rule
(Docket No. 16-0506-1601);

IDAPA 16.05.07 - The Investigation and Enforcement of Fraud, Abuse, and Misconduct - Temporary
and Proposed Rule (Docket No. 16-0507-1601).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 08/01/2016. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 08/29/2016.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4834, or send a written request to the address on the
memorandum attached below.



Eric Milstead
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 - Elizabeth Bowen

DATE: July 12, 2016

SUBJECT: Department of Health and Welfare

IDAPA 16.05.06 - Criminal History and Background Checks - Temporary and Proposed Rule (Docket No. 16-0506-1601)

IDAPA 16.05.07 - The Investigation and Enforcement of Fraud, Abuse, and Misconduct - Temporary and Proposed Rule (Docket No. 16-0507-1601)

The Department of Health and Welfare submits notice of temporary and proposed rulemaking at IDAPA 16.05.06 and 16.05.07.

16.05.06

This temporary and proposed rule amends an existing rule to include updated references to other rules and to delete references to rules that were repealed. Additionally, this rule updates language regarding individuals who are subject to criminal history and background checks under statute or Department rules; however, according to the Department, the updated language will have minimal or no effect on the number of persons subject to the checks. These changes are being made to align this chapter of rules with other rules that were approved during the 2016 legislative session.

The temporary rule went into effect on July 1, 2016, and justification was found for the temporary rule by the Governor based on the need to conform the rule to other rules that went into effect on July 1. Negotiated rulemaking was not conducted due to the nature of the rule change. There is no negative fiscal impact on the state general fund. The Department states that this rulemaking is authorized pursuant to numerous sections of the Idaho Code relating to the rulemaking authority of the Department and to the authority of the Department to conduct criminal history and background checks.

16.05.07

This temporary and proposed rule specifies the methodology for determining the amount of a civil monetary penalty. Under Idaho Code Section 56-209h, the Department may assess a civil monetary penalty for certain conduct by providers and other persons participating in public assistance programs. A penalty is determined based on a number of factors including the type of conduct being penalized and the frequency of such conduct. The rule provides for enhanced penalties under certain circumstances. The purpose of the rule is to

incorporate changes that were made to Section 56-209h by Senate Bill 1295, adopted during the 2016 legislative session.

The temporary rule went into effect on July 1, 2016, and justification was found for the temporary rule by the Governor based on the need to conform administrative rules to the statutory changes made by S.B. 1295. Negotiated rulemaking was conducted. There is no negative fiscal impact on the state general fund. The Department states that this rulemaking is authorized pursuant to various sections of the Idaho Code relating to the administration of Idaho's public assistance programs.

cc: Department of Health and Welfare
Beverly Barr and Frank Powell

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.05.06 - CRIMINAL HISTORY AND BACKGROUND CHECKS

DOCKET NO. 16-0506-1601 (FEE RULE)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2016.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 56-202(b), 56-203(2), 56-204A, 56-1004A, 56-1007, 39-1105, 39-1107, 39-1111, 39-1210(10), 39-1211(4), 39-3520, 39-5604, 39-9109, 66-404(7), 15-5-308(4), 15-5-311(5), and 15-5-316(5), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 20, 2016.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

These rule changes align this chapter with rules approved by the 2016 Legislature. Changes to these rules add references and amend classification of individuals required to have the Department's criminal history and background checks. The Division of Behavioral Health, added a new chapter, renamed a classification, and deleted a chapter of rules that are referenced in these rules. The Division of Public Health added a new chapter and deleted another chapter of rules referenced in these rules. These rules are temporary to update reference for the changes that become effective on July 1, 2016.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1), (a) and (b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The 2016 Legislature approved Department rules that amended classifications of individuals required to have a Department criminal history and background check. The final rules become effective July 1, 2016, which require this chapter of rules to be updated to reflect those changes effective on that date.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

The fee amount for a Department fingerprint-based criminal history and background check is \$65.00 based on the actual cost. The individuals that are required to have these checks are responsible for the cost.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There are no additional costs to be paid for by the Department or the state general fund due to this rulemaking. It is anticipated that the individuals being checked are in the same types of classifications that currently are being checked, and the fiscal impact will be cost-neutral.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was not conducted because the Department found it was not feasible to hold negotiated rule meetings in order to have temporary rules in place by July 1, 2016.

INCORPORATION BY REFERENCE: No materials are being incorporated by reference into these rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Fernando Castro, at (208) 332-7999.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 27, 2016.

DATED this 2nd Day of June, 2016.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720, Boise, ID 83720-0036
Phone: (208) 334-5500 / Fax: (208) 334-6558
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**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 16-0506-1601
(Only Those Sections With Amendments Are Shown.)**

100. INDIVIDUALS SUBJECT TO A CRIMINAL HISTORY AND BACKGROUND CHECK.

Individuals subject to a Department criminal history and background check are those persons or classes of individuals who are required by statute, or Department rules to complete a criminal history and background check. (3-4-11)

01. Adoptive Parent Applicants. Individuals who must comply with IDAPA 16.06.01, "Child and Family Services," and IDAPA 16.06.02, "Rules Governing Standards for Child Care Licensing." (3-4-11)

~~**02. Alcohol or Substance Use Disorders Treatment Facilities and Programs.** Individuals who must comply with IDAPA 16.07.20, "Alcohol and Substance Use Disorders Treatment and Recovery Support Services Facilities and Programs," and IDAPA 16.07.17, "Substance Use Disorders Services." (4-6-15)~~

~~**03. Behavioral Health Community Crisis Centers.** Individuals who must comply with IDAPA 16.07.30, "Behavioral Health Community Crisis Centers." (4-6-15)~~

~~**03. Behavioral Health Programs.** Individuals who must comply with IDAPA 16.07.15, "Behavioral Health Programs." (7-1-16)T~~

04. Certified Family Homes. Individuals who must comply with Section 39-3520, Idaho Code, IDAPA 16.03.19, "Rules Governing Certified Family Homes," and IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits." (3-4-11)

05. Children's Residential Care Facilities. Individuals who must comply with Section 39-1210, Idaho Code, and IDAPA 16.06.02, "Rules Governing Standards for Child Care Licensing." (3-4-11)

06. Children's Therapeutic Outdoor Programs. Individuals who must comply with Section 39-1208, Idaho Code, and IDAPA 16.06.02, "Rules Governing Standards for Child Care Licensing." (3-4-11)

07. Contracted Non-Emergency Medical Transportation Providers. Individuals who must comply with IDAPA 16.03.09, "Medicaid Basic Plan Benefits." (3-4-11)

- 08. Court Appointed Guardians and Conservators.** Individuals who must comply with the requirements of Title 15, Chapter 5, Idaho Code, and Title 66, Chapter 4, Idaho Code. Court required guardian and conservator criminal history and background checks are not provided Department clearances described in Section 180.01 of these rules. (3-20-14)
- 09. Designated Examiners and Designated Dispositioners.** Individuals who must comply with IDAPA 16.07.39, "Appointment of Designated Examiners and Designated Dispositioners." (3-4-11)
- 10. Developmental Disabilities Agencies.** Individuals who must comply with IDAPA 16.03.21, "Developmental Disabilities Agencies (DDA)," and IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits." (3-4-11)
- 11. Emergency Medical Services (EMS).** Individuals who must comply with IDAPA 16.021.035, "~~Rules Governing~~ Emergency Medical Services (EMS) -- Education, Instructor, and Examination Requirements," and IDAPA 16.01.07, "Emergency Medical Services (EMS) -- Personnel Licensing Requirements." (7-1-12)(7-1-16)T
- 12. High Risk Providers of Medicaid.** Individuals who must comply with IDAPA 16.03.09, "Medicaid Basic Plan Benefits," and the Medicaid Provider Handbook. (4-6-15)
- 13. Home and Community-Based Services (HCBS).** Individuals who must comply with IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," and IDAPA 16.04.17, "Rules Governing Residential Habilitation Agencies." (7-1-12)
- 14. Home Health Agencies.** Individuals who must comply with IDAPA 16.03.07, "Home Health Agencies." (3-4-11)
- 15. Idaho Behavioral Health Plan (IBHP).** Individuals who are contractors, contractor's employees, and subcontractors in accordance with IDAPA 16.03.09, "Medicaid Basic Plan Benefits." (4-6-15)
- 16. Idaho Child Care Program (ICCP).** Individuals who must comply with IDAPA 16.06.12, "Rules Governing the Idaho Child Care Program." (3-4-11)
- 17. Intermediate Care Facilities for Persons with Intellectual Disabilities (ICF/ID).** Individuals who must comply with IDAPA 16.03.11, "Intermediate Care Facilities for Persons with Intellectual Disabilities (ICF/ID)." (3-4-11)
- 18. Licensed Foster Care.** Individuals who must comply with Section 39-1211, Idaho Code, and IDAPA 16.06.02, "Rules Governing Standards for Child Care Licensing." (3-4-11)
- 19. Licensed Day Care.** Individuals who must comply with Sections 39-1105, 39-1113, and 39-1114, Idaho Code, and IDAPA 16.06.02, "Rules Governing Standards for Child Care Licensing." (3-4-11)
- 20. Mental Health Services.** Individuals who must comply with IDAPA 16.07.33, "Adult Mental Health Services," and IDAPA 16.07.37, "Children's Mental Health Services." (4-6-15)
- 21. Nonhospital, Medically-Monitored Detoxification/Mental Health Diversion Units.** Individuals who must comply with IDAPA 16.07.50, "Minimum Standards for Nonhospital, Medically-Monitored Detoxification/Mental Health Diversion Units." (3-4-11)
- 22. Personal Assistance Agencies.** Individuals who must comply with IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits." (3-4-11)
- 23. Personal Care Service Providers.** Individuals who must comply with Section 39-5604, Idaho Code, and IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits." (3-4-11)
- 24. Residential Care or Assisted Living Facilities in Idaho.** Individuals who must comply with IDAPA 16.03.22, "Residential Care or Assisted Living Facilities in Idaho." (3-4-11)

25. Service Coordinators and Paraprofessional Providers. Individuals who must comply with IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits." (3-4-11)

26. Skilled Nursing and Intermediate Care Facilities. Individuals who must comply with IDAPA 16.03.02, "Rules and Minimum Standards for Skilled Nursing and Intermediate Care Facilities." (3-4-11)

27. Support Brokers and Community Support Workers. Individuals who must comply with IDAPA 16.03.13, "Consumer-Directed Services." (3-4-11)

COST/BENEFIT ANALYSIS FORM
Department of Health and Welfare
Administrative Procedures Section (APS)

Docket Number: 16-0506-1601

Agency Contact: Fernando Castro
Phone: 332-7999

Rules Specialist: Bev Barr
Phone: 334-5736

Date Analysis Completed: 3/21/2016

IDAPA Chapter Number and Title: IDAPA 16.05.06, "Criminal History and Background Checks"

Fee Rule Status: Proposed Temporary Effective date: 7/1/2016

Instructions:

Section 67-5223(3), Idaho Code, requires that all proposed rules in which a fee or charge is imposed or increased must include a statement of economic impact (cost/benefit analysis) of the rule change at the time the rule text is submitted for publication. This analysis needs to include an estimated cost to the agency to implement the rule and an estimated cost to be borne by citizens, or the private sector, or both.

Cost/Benefit Analysis For This Rule Change:

The Department does not expect to increase the amount of background checks it conducts by a significant number of checks. The fee for the Department's background check is \$65.00 per person. The receipts for the background check fees per fiscal year are figured to be cost neutral for the changes being made to these rules which add, remove, and rename some classifications of individuals required to have criminal history checks.

There are no additional costs to be borne by the Department or the State General Fund to carry out the requirements for adoption of these rules because the fees are collected from the applicants to cover all costs.

The 2016 Legislature approved amendments for criminal history and background checks (CHC) for the following rule chapters under:

- IDAPA 16.07.15, "Behavioral Health Programs," new chapter added;
- IDAPA 16.07.17, "Substance Use Disorders Services," changed name of chapter and removed CHC requirement and placed in new chapter;
- IDAPA 16.07.20, "Alcohol and Substance Use Disorders Treatment and Recovery Support Services Facilities and Programs," repealed chapter, and moved requirement for CHC into new chapter which renames classification;
- IDAPA 16.01.05, "Emergency Medical Services (EMS) - Education, Instructor, and Examination Requirements," new chapter added;
- IDAPA 16.02.03, "Emergency Medical Services," repeal of chapter and added requirements into new chapter

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.05.07 - THE INVESTIGATION AND ENFORCEMENT OF FRAUD, ABUSE, AND MISCONDUCT

DOCKET NO. 16-0507-1601

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2016.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 56-202(b), 56-203(1) & (2), 56-209h, 56-227, 56-227A through D, 56-1001, and 56-1003, Idaho Code, and 42 CFR 1002.214 and 1002.215, and 2016 Senate Bill 1295.

PUBLIC HEARING SCHEDULE: Public hearings concerning this rulemaking will be held as follows:

Wednesday, July 13, 2016 10:30 a.m. (local)	Thursday, July 14, 2016 11:30 a.m. (local)	Friday, July 15, 2016 11:30 a.m. (local)
Northern Idaho - DHW Office 1120 Ironwood Drive Suite 102 Coeur d'Alene, ID	Eastern Idaho - DHW Office 1070 Hiline Road 3rd Floor Conf. Room Pocatello, ID	Central Idaho - DHW Central Office 450 West State Street 7th Floor Conf. Room Boise, ID

The hearing sites will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

These rule changes provide for the types of conduct, frequency, and knowledge of the conduct for which the Department has the authority to assess civil monetary penalties. The rules provide the amount of the percentage, and also provides for enhanced penalties for certain types of behaviors and violations. These changes provide the methodology and percentages used for calculating civil monetary penalties.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 59-209(h), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reason:

The 2016 Legislature adopted legislation in Section 56-209(h), Idaho Code, to clarify methodology for assessing civil monetary penalties for providers of public assistance. The statute changes, effective July 1, 2016, require this chapter of rules to be updated to reflect changes effective on that date.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

This rulemaking may change the amount of receipts received for Civil Monetary Penalties (CMPs) but should be considered as cost neutral and will have no fiscal impact to state general funds.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted by the Department. The Negotiated Rulemaking Notice published in the April 6, 2016, Idaho Administrative Bulletin, [Vol. 16-4](#), with meetings scheduled in Coeur d'Alene, Pocatello, and Boise. Medicaid and public assistance providers also received notification of a survey by e-mail, Medicaid newsletter, and website to

which they could respond and provide input on the civil monetary penalty rule changes.

INCORPORATION BY REFERENCE: No materials are being incorporated by reference into these rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Lori Stiles, at (208) 334-0653.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 27, 2016.

DATED this 2nd Day of June, 2016.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720 Boise, ID 83720-0036
Phone: (208) 334-5500 / Fax: (208) 334-6558
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THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 16-0507-1601
(Only Those Sections With Amendments Are Shown.)

235. CIVIL MONETARY PENALTIES.

Under Section 56-209h, Idaho Code, the Department may assess civil monetary penalties against a provider, any officer, director, owner, and managing employee for conduct identified in Subsections 230.01 through 230.09 of these rules. The amount of penalties may be up to one thousand dollars (\$1,000) for each item or service improperly claimed, except that in the case of multiple penalties the Department may reduce the penalties to not less than ~~twenty-five~~ ten percent (~~25~~10%) of the amount of each item or service improperly claimed if an amount can be readily determined. Each line item of a claim, or cost on a cost report is considered a separate claim. These penalties are intended to be remedial, at a minimum recovering costs of investigation and administrative review, and placing the costs associated with non-compliance on the offending provider. ~~(3-30-07)~~(7-1-16)T

236. CIVIL MONETARY PENALTY PERCENTAGES.

The Department will determine the percentage of each penalty by the type of conduct, the frequency, and knowledge of the conduct. (7-1-16)T

01. Conduct Resulting in No Overpayment. The Department determines civil monetary penalties to be assessed for the following types of conduct violations that did not result in an overpayment. (7-1-16)T

a. Participant Fees. The provider collected or attempted to collect fees from participants that the provider was not entitled to collect. Violations for this type of conduct will result in a ten percent (10%) penalty. (7-1-16)T

b. Minor Rule Violations. Services were provided and properly paid but violated rule, policy, or provider agreement. Minor rule violations will result in a ten percent (10%) penalty. Minor rule violations include, but are not limited to: (7-1-16)T

i. Incorrect date spanning; (7-1-16)T

ii. Failure to list required provider credentials; or (7-1-16)T

iii. Failure to obtain required client signatures. (7-1-16)T

c. Significant Rule Violations. Services were provided but violated rule, policy, or provider agreement. Significant rule violations will result in a fifteen percent (15%) penalty. Significant rule violations include, but are not limited to: (7-1-16)T

i. Incomplete physician referrals; or (7-1-16)T

ii. Incomplete Healthy Connection referrals. (7-1-16)T

02. Conduct Resulting in Overpayment. The Department determines civil monetary penalties to be assessed for the following types of conduct violations resulting in overpayment. (7-1-16)T

a. Significant Rule Violations. Services were provided but violated rule, policy, or provider agreement. Significant rule violations will result in a fifteen percent (15%) penalty. Significant rule violations include, but are not limited to: (7-1-16)T

i. Billing more services than allowed; (7-1-16)T

ii. Billing non-physician services as physician services; (7-1-16)T

iii. Billing incorrect codes or modifiers; or (7-1-16)T

iv. Inadequate documentation to support services billed. (7-1-16)T

b. Significant Rule Violations Related to Participant Care. Services were provided but violated rule, policy, or provider agreement related to participant care. Significant rule violations related to participant care will result in a twenty percent (20%) penalty. Significant rule violations include, but are not limited to: (7-1-16)T

i. Inadequate or no required Healthy Connections referrals; (7-1-16)T

ii. No required physician or practitioner signatures; (7-1-16)T

iii. No orders or inadequate orders, assessments, plans or evaluations prior to delivery of service or items; (7-1-16)T

iv. Services or items provided by unqualified staff; (7-1-16)T

v. Services or items provided by excluded individual; or (7-1-16)T

vi. Services or items not covered by program. (7-1-16)T

c. Significant Rule Violations for No Service or Refusal of Immediate Access to Documentation. Services were not provided, were not documented, or refusal to provide immediate access to documentation upon written request as required in Section 230.05 of these rules. Violations will result in a twenty-five percent (25%) penalty. Significant rule violations include, but are not limited to: (7-1-16)T

i. Billing and receiving payment multiple times for the same service or item; (7-1-16)T

ii. No documentation; (7-1-16)T

iii. Cloned documentation; (7-1-16)T

iv. Service not provided; (7-1-16)T

v. More units billed than provided; or (7-1-16)T

vi. Billing laboratory services provided by independent laboratory. (7-1-16)T

03. Penalty Enhancements. (7-1-16)T

a. Error Rates. The Department determines which error rate applies by comparing the number of violations to the number of similar line items audited, or to all audited line items. Penalty percentages identified in Subsections 236.01 and 236.02 of this rule may be increased by: (7-1-16)T

i. Five percent (5%) when the error percentage of audited services is greater than twenty-five percent (25%); and (7-1-16)T

ii. Ten percent (10%) when the error percentage of audited services is greater than thirty-five percent (35%). (7-1-16)T

b. Fraudulently or Knowingly. When the Department determines the conduct was committed fraudulently or knowingly as defined in Subsections 010.07 and 010.08 of these rules, the penalty percentages may be increased by fifteen percent (15%). (7-1-16)T

237. CIVIL MONETARY PENALTIES FOR CRIMINAL HISTORY BACKGROUND CHECK VIOLATIONS.

The Department may assess civil monetary penalties against a provider, any officer, director, owner, or managing employee for failing to perform required background checks or failing to meet required time lines for completion of background checks. The amount of the penalty is five hundred dollars (\$500) for each month worked for each staff person or contractor for whom the background check was not performed or not performed timely. The maximum amount that may be assessed for criminal history background check violations is five thousand dollars (\$5,000) per month. A partial month is considered a full month for purposes of determining the amount of the penalty. (7-1-16)T

~~2368.~~ -- 239. (RESERVED)