

IN THE SENATE

SENATE BILL NO. 1099

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO CHILD CARE LICENSING; AMENDING SECTION 39-1213, IDAHO CODE, TO
2 PROVIDE FOR A CERTAIN WAIVER FROM LICENSING AND TO MAKE TECHNICAL COR-
3 RECTIONS.
4

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 39-1213, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 39-1213. LICENSING AUTHORITY. (a~~1~~) The board of health and welfare is
9 hereby authorized and directed to establish procedures for licensing fos-
10 ter homes, children's agencies, children's therapeutic outdoor programs and
11 children's residential care facilities, which are maintained and operated
12 in conformity with the rules and standards authorized herein. Such proce-
13 dures shall include the manner and form for making application for license,
14 investigation upon application and notice of decision.

15 (b~~2~~) It is recognized that children's agencies may have their own pro-
16 cedures for approval of foster homes affiliated with their programs. Any
17 foster home which has been approved by a licensed children's agency shall
18 be exempt from the licensing provisions of this chapter, provided that the
19 standards for approval by such agency are no less restrictive than rules and
20 standards established by the board of health and welfare, and provided fur-
21 ther that such children's agency is maintained and operated in conformity
22 with rules and standards of the board of health and welfare. The board of
23 health and welfare may promulgate rules necessary to implement the provi-
24 sions of this section.

25 (e~~3~~) The board of health and welfare is hereby authorized to establish
26 rules allowing for continued care for appropriate individuals eighteen (18)
27 to twenty-one (21) years of age who have been receiving services by, through,
28 or with the authorization of the department of health and welfare or the de-
29 partment of juvenile corrections prior to their eighteenth birthday.

30 (4) (a) The board of health and welfare is authorized to grant a waiver
31 from licensing to temporary residential treatment programs for youth,
32 which, for purposes of this section, are defined as programs that pro-
33 vide treatment to persons aged thirteen (13) through seventeen (17)
34 years for a time period not to exceed three (3) months. To qualify for a
35 waiver under this subsection, a program must:

36 (i) Serve persons who have a medical doctor's prescription or
37 recommendation verifying the person's need for treatment, except
38 as provided otherwise in this subsection;

39 (ii) Serve persons whose parent or guardian has, pursuant to sec-
40 tion 15-5-104, Idaho Code, executed a power of attorney delegating
41 parental powers to the rehabilitation program entity, which power

1 of attorney clearly indicates a responsible individual associated
2 with the program, except as provided otherwise in this subsection;

3 (iii) Conduct background checks on program staff members every
4 two (2) years; and

5 (iv) Offer program services in facilities that have passed a ba-
6 sic life safety and security inspection conducted by the local mu-
7 nicipality building department or the local fire marshal.

8 (b) A waiver granted pursuant to this subsection shall be reviewed by
9 the board every two (2) years. If a program offers crisis intervention
10 for a time not to exceed twenty-four (24) hours, then the prescription
11 and power of attorney described in subparagraphs (i) and (ii) of para-
12 graph (a) of this subsection shall not be required for program partici-
13 pants.