

**Idaho Department of Health and Welfare
Senate
Criminal History Unit Presentation**

IDAPA 16.05.06, "Criminal History and Background Checks"
RE: Criminal History and Background Check Rule Changes
Docket 16-0506-1901
Pending Rule

January 16, 2020

Mister Chairman / Madam Chair, members of the Committee:

My name is Fernando Castro and I am the supervisor for the Criminal History Unit. Our unit is part of the Department of Health & Welfare's Bureau of Audits and Investigations. Thank you for allowing me to present the rule change in docket # 16-0506-1901, Criminal History and Background Checks. We developed this rulemaking in compliance with the **Red Tape Reduction Act**. Changes in this docket reduced the overall word count for this chapter by 382 words total, and the number of restrictive words was reduced by 26. You may find this docket in Page 1,289 of your Pending Rules book.

The Criminal History Unit completes over 30,000 background checks a year. These checks help the Department protect those that are vulnerable by screening employees of providers and individuals that participate in certain Department programs such as foster care, adoption and certified family homes. Each year, nearly 500 applicants are denied or voluntarily withdraw from their background checks because of disqualifying elements.

Idaho Department of Health and Welfare
Senate
Criminal History Unit Presentation

The purpose of this docket is two-fold. First, we are seeking to make permanent the authority of the Department to complete the background checks of the Citizen Review Panel members that were formed when the state revised the Child Protection Act during the 2018 Legislative Session with Senate Bill 1341. And secondly, we are attempting to meet Governor Little's mandate expressed in the "**Red Tape Reduction Act**". That is, we are making the necessary changes to make this rule more user-friendly by eliminating restrictive language and changing the presentation of the information to an easier to read format.

The first change that you will see starts in the bottom half of page 1,291 and ends in page 1,292. What you are seeing there is a complete conversion of the current bulleted list in Section 100 into a table presenting the same information with these proposed changes. Other changes visible in this table show the repeal of other Department chapters of rules that remove the requirement for those types of providers from being cleared by the Department.

The second change in this docket can be found in page 1,293. The change consists of adding to the Department Enhanced Clearance requirement persons that are associated with a Children's Agency and the Citizen Review Panel members as well. This is being done at the request of the stakeholders involved in the operation and oversight of said agencies and activities which articulated the desire to screen these persons at a higher standard.

Idaho Department of Health and Welfare
Senate
Criminal History Unit Presentation

There is no fiscal impact to the State General Fund or to the dedicated funds with this rule change. The costs of modifying the Department's web-based system will be performed by Department staff and will be covered with the allocated system maintenance funds of our unit.

I would also like to note that we did not hold formal negotiated rulemaking meetings with our stakeholders for this docket because this rule change is being made to conform with existent law; and, because the background checks requirements for our applicants are already present in other chapter of rules.

We believe that these proposed changes improve the protection of the vulnerable population of our state. I ask that you approve this docket as a Final rule.

This concludes my prepared remarks. Thank you for your time. I stand now for questions.