

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.05.06 – CRIMINAL HISTORY AND BACKGROUND CHECKS

DOCKET NO. 16-0506-2601

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment and input prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section(s) 56-202(b), 56-203(2), 56-204A, 56-1004, 56-1007, 39-1105, 39-1107, 39-1111, 39-1210(10), 39-1211(4), 39-3520, 39-9109, 66-404(7), 15-5-308(4), 15-5-311(5), and, 15-5-316(5) Idaho Code, and Public Law 92-544 and the Adam Walsh Child Protection and Safety Act of 2006.

MEETING SCHEDULE: A negotiated rulemaking meeting will be held as follows:

Thursday, July 23, 2026 1:30 p.m. (MT)
Join using the meeting link https://teams.microsoft.com/meet/225639399113185?p=w8iJDFxyaMagt7MAxn Meeting ID: 225 639 399 113 185 Passcode: fA7kw7hT
Dial in by phone 1 972-454-4077 United States, Dallas Boise 1-208-609-5034 Phone conference ID: 143 426 747#

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do any of the following:

- Attend the negotiated rulemaking meeting and participate in the negotiation process; or
- Provide oral or written recommendations, or both, at the negotiated rulemaking meeting; and/or
- Submit written recommendations and comments to DHWRules@dhw.idaho.gov.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

This negotiated rulemaking is intended to modify IDAPA 16.05.06 to recognize that many of the previous rules have been codified in Chapter 25, Title 56, Idaho Code, that goes into effect July 1, 2026, pursuant to H.B. 494a (2026). The rules will be streamlined to address only procedural items that are not specifically mentioned in the statute. If not amended, aspects of 16.05.06 would be duplicative or inaccurate.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text (if available), contact Estela Cabrera at DHWRules@dhw.idaho.gov or (208) 334-5500. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the agency website: <https://healthandwelfare.idaho.gov/about-dhw/rules-policies-procedures-and-waivers>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 23, 2026.

DATED this 1st day of July, 2026.

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