

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.05.06 – CRIMINAL HISTORY AND BACKGROUND CHECKS

DOCKET NO. 16-0506-2601

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section [67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections [15-5-308\(5\)](#), [15-5-311\(5\)](#), [15-5-316](#), [39-1105](#), [39-1107](#), [39-1111](#), [39-1113](#), [39-1210\(10\)](#), [39-1211\(4\)](#), [39-3520](#), [39-5604](#), [39-9109](#), [56-202\(b\)](#), [56-203\(2\)](#), [56-204A](#), [56-1007](#), [56-2501](#), [56-2502](#), [66-404\(7\)](#), and [Chapter 27, Title 56](#), Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Thursday, October 15, 2026 1:00 p.m. (MT)
In Person: 450 W. State Street, 10th Floor Boise ID 83720 Conference Rm 10B
Virtual: Meeting link: https://teams.microsoft.com/meet/252885756209284?p=z7Hiqp1OizSEoCdqwh Meeting ID: 252 885 756 209 284 Passcode: Up7iB2TJ Dial in by phone 1 972-454-4077 United States, Dallas Boise 1-208-609-5034 Phone conference ID: 580 680 046#

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 a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This proposed rule updates IDAPA 16.05.06 to implement changes enacted by [H.B. 494](#), which went into effect July 1, 2026, and is codified at Chapter 27, Title 56, Idaho Code. That bill enacted provisions required by the FBI to be in statute, including the requirement for fingerprint background check, the list of types of individuals who are required to undergo a background check, and the scope of those able to access confidential information. The chapter was streamlined to remove those items required to be codified in statute, while keeping provisions, like the list of disqualifying crimes, in rule to allow for swift conformance with legislative changes in the criminal code.

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

There are no changes to fees.

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 as a result of this rulemaking:

There is no negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section [67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 1, 2026, Idaho Administrative Bulletin, [Vol. 26-7, page 73](#).

INCORPORATION BY REFERENCE: Pursuant to Section [67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Estela Cabrera at DHWRules@dhw.idaho.gov or (208) 334-5500.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 28, 2026.

DATED this 7th day of October, 2026.

Jared Larsen
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