

IDAPA 16 – IDAHO DEPARTMENT OF HEALTH AND WELFARE

Division of Behavioral Health

16.07.17 – Substance Use Disorders Services

Who does this rule apply to?

For those seeking substance use disorders services under the Department's Division of Behavioral Health.

What is the purpose of this rule?

This chapter sets the standards for providing substance use disorders services administered under the Department's Division of Behavioral Health. The purpose of these rules is to: (1) provide participant eligibility criteria, application requirements, and appeals process for these services; and (2) establish requirements for quality of substance use disorders treatment, care, and services provided by behavioral health and recovery support services programs.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statutes passed by the Idaho Legislature:

Health and Safety - Alcoholism and Intoxication Treatment Act:

- [Section 39-311, Idaho Code](#) – Department Rules

Public Assistance and Welfare - Department of Health and Welfare:

- [Section 56-1003, Idaho Code](#) – Powers and Duties of the Director
- [Section 56-1004, Idaho Code](#) – Director – Additional Powers and Duties
- [Section 56-1004A, Idaho Code](#) – Criminal History and Background Checks
- [Section 56-1007, Idaho Code](#) – Collection of Fees for Services

Where can I find information on Administrative Appeals?

***Appeal of Denial Based on Eligibility Requirements.** Administrative appeals from a denial of substance use disorder services based on eligibility requirements are governed by the provisions of IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings."*

***Appeal of Decision Based on Clinical Judgment.** Decisions involving clinical judgment, including the category of services, the particular provider of services, or the duration of services, are reserved to the Department, and are not subject to appeal, administratively or otherwise, in accordance with *Maresh v. State*, 132 Idaho 221, 970 P.2d 14 (Idaho 1999).*

How do I request public records?

Unless exempted, all public records are subject to disclosure by the Department that will comply with Title 74, Chapter 1, Idaho Code, upon requests. Confidential information may be restricted by state or federal law, federal regulation, and IDAPA 16.05.01, "Use and Disclosure of Department Records."

Who do I contact for more information on this rule?

Idaho Department of Health and Welfare
Division of Behavioral Health –
Substance Use Disorders Services
450 West State Street
Boise, ID 83702

Email: DBHPolicy@dhw.idaho.gov

Webpage: <https://healthandwelfare.idaho.gov/Medical/SubstanceUseDisorders/tabid/105/Default.aspx>

P.O. Box 83720, 3rd Floor
Boise, ID 83720-0036
Phone: (208) 334-6997 or 1-800-264-6979
Fax: (208) 334-5998

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16.07.17 – SUBSTANCE USE DISORDERS SERVICES

000. LEGAL AUTHORITY.

Sections 56-1003, 56-1004, 56-1004A, 56-1007, and 56-1009, Idaho Code, authorize the Director to promulgate, recommend, and enforce rules promoting substance use disorders services. Sections 39-305, 39-306, and 39-311, Idaho Code, authorize the Idaho Board of Health and Welfare to adopt rules and to establish standards for treatment facilities. (3-17-22)

001. SCOPE.

This chapter sets standards for providing substance use disorders services administered under the Department's Division of Behavioral Health. (3-17-22)

002. -- 008. (RESERVED)

009. CRIMINAL HISTORY AND BACKGROUND CHECK REQUIREMENTS.

01. Waiver of Criminal History and Background Check Denial. (7-1-25)

a. A certified individual from a certifying body that is recognized by the Department who is seeking to provide substance use disorder treatment or recovery support services, or an uncertified individual that receives an unconditional denial or a denial after an exemption review by the Department's Criminal History Unit, may apply for a Behavioral Health waiver. (7-1-25)

b. An individual is allowed to work or have access to participants only under supervision until the waiver request is processed. (3-17-22)

010. DEFINITIONS - A THROUGH F.

For the purposes of these rules, the following terms apply: (3-17-22)

01. **Adolescent.** A youth twelve (12) through seventeen (17) years of age. (3-17-22)

02. **Adult.** An individual eighteen (18) years or older. (3-17-22)

03. **ASAM.** Refers to the manual of the patient placement criteria for the treatment of substance-related disorders, published by the American Society of Addiction Medicine, incorporated by reference in Section 004 of these rules. (3-17-22)

04. **ASAM Level of Care Certification.** Verifies a treatment program's capacity to deliver services consistent with the Level III standards of care described in the ASAM criteria. (3-17-22)

05. **Department.** The Idaho Department of Health and Welfare or its designee. (3-17-22)

06. **Eligibility Screening.** The collection and review of information directly related to the individual's substance use and level of functioning, which the Department uses to determine whether an individual is eligible for adult or adolescent substance use disorder services available through the Department's Division of Behavioral Health. (3-17-22)

011. DEFINITIONS - G THROUGH Z.

For the purposes of these rules, the following terms apply: (3-17-22)

01. **Idaho Board of Alcohol/Drug Counselor Certification, Inc. (IBADCC).** A board recognized by the Department affiliated with the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC). The IBADCC is the certifying entity that oversees credentialing of Idaho Student of Addiction Studies (ISAS), and Certified Alcohol/Drug Counselors (CADC) in the state of Idaho. (7-1-25)

02. **National Certification Commission for Addiction Professionals (NCC AP).** A certifying body recognized by the Department that provides counselor certifications and endorsements. (7-1-25)

03. **Priority Population.** Priority populations consist of individuals who receive services ahead of other persons. Priority populations are determined yearly by the Department and align with federally mandated priorities. (3-17-22)

012. -- 099. (RESERVED)

PARTICIPANT ELIGIBILITY
(Sections 100-199)

100. (RESERVED)

101. ELIGIBILITY SCREENING AND CLINICAL ASSESSMENT.

01. Eligibility Screening. The eligibility screening must be directly related to the individual's substance-related disorder and level of functioning, and will include: (3-17-22)

a. Questions about the individual's substance use and history; and (3-17-22)

b. Questions about the individual's income and living situation. (3-17-22)

02. Clinical Assessment. Once an individual is found eligible for substance use disorders services, the individual will be authorized to receive a clinical assessment from a treatment provider in the Division of Behavioral Health's substance use disorder services network to determine ASAM level of care. (3-17-22)

102. ELIGIBILITY DETERMINATION.

01. Determination of Eligibility for Substance Use Disorders Services. The Department may limit or prioritize adult and adolescent substance use disorder services, impose income limits, define eligibility criteria, and establish the number of persons eligible based upon such factors as court-ordered services, availability of funding, the degree of financial need, the degree of clinical need, or other factors. (3-17-22)

02. Eligibility Requirements. To be eligible for substance use disorders services the individual must: (3-17-22)

a. Be an adult or adolescent with family income at or below federal poverty guidelines established by the Division; (3-17-22)

b. Be a resident of the state of Idaho; (3-17-22)

c. Be a member of a priority population; (3-17-22)

d. Meet diagnostic criteria for a substance-related disorder as described in the DSM-5; and (3-17-22)

e. Meet specifications in each of the ASAM dimensions required for the recommended level of care. (3-17-22)

103. -- 119. (RESERVED)

120. FINANCIAL RESPONSIBILITY FOR SUBSTANCE USE DISORDERS SERVICES.

A participant receiving substance use disorders services through the Department is responsible for paying for the services received. The financial responsibility for each service is based on the individual's ability to pay as determined in IDAPA 16.07.01, "Behavioral Health Sliding Fee Schedules." (3-17-22)

121. -- 149. (RESERVED)

150. SELECTION OF SERVICE PROVIDERS.

A participant who is eligible for substance use disorders services administered by the Department's Division of Behavioral Health can choose a service provider that is in the contracted substance use disorder provider network. Treatment services must be within the recommended level of care according to ASAM based on the individual's needs identified in the assessment and resulting individualized service plan. (3-17-22)

151. -- 199. (RESERVED)

SUBSTANCE USE DISORDER SERVICES
(Sections 200-999)

200. QUALIFIED SUBSTANCE USE DISORDERS PROFESSIONAL PERSONNEL REQUIRED.

Each behavioral health program providing substance use disorders services must employ the number and variety of staff needed to provide the services and treatments offered by the program as a multidisciplinary team. The program must employ at least one (1) qualified substance use disorders professional for each behavioral health program location. A qualified substance use disorders professional includes individuals as follows: (7-1-25)

01. Idaho Board of Alcohol/Drug Counselor Certification - Certified Advanced or Certified Alcohol/Drug Counselor. (3-17-22)

02. National Board for Certified Counselors (NBCC) - Master Addictions Counselor (MAC). (3-17-22)

03. NCC AP – Master Addiction Counselor (MAC). (7-1-25)

04. Licensed Professional. Hold an active license or registration with the applicable jurisdiction for the profession and provide services within the practice authority for the applicable profession consistent with the laws and regulations of the state where services are provided and consistent with the applicable standard of care. (7-1-25)

201. -- 209. (RESERVED)

210. QUALIFIED SUBSTANCE USE DISORDERS PROFESSIONAL TRAINEE.

Each qualified substance use disorders professional trainee practicing in the provision of substance use disorders services must meet the following requirements. (3-17-22)

01. Work Qualifications for Qualified Substance Use Disorders Professional Trainee. A qualified substance use disorders professional trainee must meet one (1) of the following qualifications to begin work: (3-17-22)

a. Substance Use Disorder Associate certification; (3-17-22)

b. Formal documentation of current enrollment in a program for any licensed professional consistent with Section 200 of these rules. (7-1-25)

02. Continue as Qualified Substance Use Disorders Professional Trainee. An individual who has completed a program listed in Section 200 of these rules and is awaiting licensure can continue as a qualified substance use disorders professional trainee at the same agency for a period of six (6) months from the date of program completion. (3-17-22)

211. -- 394. (RESERVED)

395. RESIDENTIAL TREATMENT SERVICES.

Residential Treatment Services are administered under the Department through a contractor and must be nationally accredited by the Joint Commission, the Council on Accreditation (COA), or Commission on Accreditation of Rehabilitation Facilities (CARF) and have an ASAM Level of Care certification. (7-1-25)

396. -- 999. (RESERVED)