

## SUMMARY STATEMENT

*Roy v. Idaho Department of Health and Welfare*

Docket No. 50830

This appeal involves a petition for judicial review of a decision from the Idaho Department of Health and Welfare (the “Department”). Chitta Roy challenges the district court’s decision upholding the Department’s unconditional denial of her criminal history background clearance (“CHB clearance”) during her certified family home (“CFH”) recertification. From 2009 to 2020, Roy operated a CFH providing services to elderly and infirm residents. In 2008, Roy was convicted of involuntary manslaughter, received a suspended sentence, and was placed on probation for five years. That next year, in 2009, Roy applied for CFH certification and CHB clearance through the Department. The Department initially denied her application for CHB clearance, but subsequently issued Roy a CFH certificate after granting her an exemption. At the time Roy first received her CFH certification, the Department’s agency rules did not list involuntary manslaughter among the crimes that would result in an unconditional denial of an applicant’s CHB clearance.

Roy subsequently completed the terms of her probation, and her criminal case was dismissed in 2011 pursuant to Idaho Code section 19-2604. This statute “creates an extraordinary remedy for a defendant who has strictly adhered to the terms of probation and essentially restores the defendant’s civil rights.” *State v. Parkinson*, 144 Idaho 825, 828, 172 P.3d 1100, 1103 (2007) (citation omitted), *abrogated on other grounds by Verska v. Saint Alphonsus Reg’l Med. Ctr.*, 151 Idaho 889, 265 P.3d 502 (2011). “Where a judgment has been vacated under this statute, ‘it is a nullity, and the effect is as if it had never been rendered at all,’ and there are no limits or conditions on the rights defendant regains.” *Id.* (citing *Manners v. Bd. of Veterinary Med.*, 107 Idaho 950, 952, 694 P.2d 1298, 1300 (1985)).

Thereafter, in 2021, the CFH program began requiring providers to renew their CHB clearance every five years in order to become recertified. Roy reapplied for a CHB clearance with the Department’s Criminal History Unit (“CHU”). The CHU issued an unconditional denial of her CHB clearance based on a disqualifying conviction, noting that it “may consider the underlying facts and circumstances of felony or misdemeanor conduct including a dismissal . . .” under the Department’s agency rules. Roy challenged the denial, which was affirmed by the CHU’s Supervisor, who noted that the Department’s agency rules now classified involuntary manslaughter as a disqualifying crime. The CHU’s denial was affirmed on administrative appeal to the Fair Hearings Unit, and again on judicial review by the district court. Roy appealed the district court’s decision to the Idaho Supreme Court, arguing, among other things, that the dismissal of her involuntary manslaughter conviction under Idaho Code section 19-2604(1) precluded the Department from denying her CHB clearance because the conviction “simply no longer exists as a matter of law.”

The Idaho Supreme Court reversed the Commission’s decision and remanded for further proceedings. The Court explained that a section 19-2604(1) dismissal of a criminal conviction does not necessarily preclude the Department from considering the underlying facts and circumstances of felony conduct in determining whether to grant a CHB clearance. However, the Court determined that the Department’s denial of Roy’s CHB clearance was either: (1) arbitrary, in that the Department failed to adequately explain the basis for its decision; or (2) in excess of its authority because the denial was actually based on the dismissed conviction, as Roy argued, rather than any underlying facts or circumstances of Roy’s conviction.

**\*\*\*This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.\*\*\***