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**SUBSTITUTE HOUSE BILL 2055**

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**State of Washington                      52nd Legislature                      1992 Regular Session**

**By** House Committee on Health Care (originally sponsored by Representative Braddock)

Read first time 02/07/92.

1            AN ACT Relating to criminal history background checks; and amending  
2 RCW 43.43.842.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 43.43.842 and 1989 c 334 s 11 are each amended to read  
5 as follows:

6            The secretary of social and health services and the secretary of  
7 health shall adopt additional requirements for the licensure or  
8 relicensure of agencies or facilities which provide care and treatment  
9 to vulnerable adults. These additional requirements shall ensure that  
10 any person associated with a licensed agency or facility having direct  
11 contact with a vulnerable adult shall not have been: (1) Convicted of  
12 a crime against persons as defined in RCW 43.43.830, except as provided  
13 in this section; (2) convicted of crimes relating to financial  
14 exploitation (~~(of a vulnerable adult)~~) as defined in RCW 43.43.830,

1 except as provided in this section; (3) found in any disciplinary board  
2 final decision to have abused a vulnerable adult under RCW 43.43.830;  
3 or (4) the subject in a protective proceeding under chapter 74.34 RCW.  
4 The rules adopted under this section shall further provide that no  
5 person shall be disqualified from employment in a licensed facility for  
6 a past offense if:

7 (a) The offense was simple assault, assault in the fourth degree,  
8 or the same offense as it may be renamed, and three or more years have  
9 passed between the most recent conviction and the date of application  
10 for employment;

11 (b) The offense was assault in the third degree, or the same  
12 offense as it may be renamed, and five or more years have passed  
13 between the most recent conviction and the date of application for  
14 employment;

15 (c) The offense was prostitution, or the same offense as it may be  
16 renamed, and three or more years have passed between the most recent  
17 conviction and the date of application for employment;

18 (d) The offense was theft in the third degree, or the same offense  
19 as it may be renamed, and three or more years have passed between the  
20 most recent conviction and the date of application for employment;

21 (e) The offense was theft in the second degree, or the same offense  
22 as it may be renamed, and five or more years have passed between the  
23 most recent conviction and the date of application for employment;

24 (f) The offense was forgery, or the same offense as it may be  
25 renamed, and five or more years have passed between the most recent  
26 conviction and the date of application for employment.

27 If an employee is hired in compliance with the requirements of this  
28 section, the fact or content of that employee's criminal history is not  
29 admissible in evidence in any subsequent criminal or civil action to  
30 which the employing licensee is a party.

1           In consultation with law enforcement personnel, the secretary of  
2 social and health services and the secretary of health shall  
3 investigate the conviction record and the protection proceeding record  
4 information under chapter 43.43 RCW of each agency or facility and its  
5 staff under their respective jurisdictions seeking licensure or  
6 relicensure. The ((~~secretary~~)) secretaries shall use the information  
7 solely for the purpose of determining eligibility for licensure or  
8 relicensure. Criminal justice agencies shall provide the ((~~secretary~~))  
9 secretaries such information as they may have and that the  
10 ((~~secretary~~)) secretaries may require for such purpose.