

2 **SSB 5261** - H COMM AMD **ADOPTED 4-13-93**

3 By Committee on Human Services

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5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 43.20A.710 and 1989 c 334 s 13 are each amended to
8 read as follows:

9 The secretary shall investigate the conviction records, pending
10 charges or disciplinary board final decisions of: (1) Persons being
11 considered for state employment in positions directly responsible for
12 the supervision, care, or treatment of children(~~(, mentally ill~~
13 persons)) or individuals with mental illness or (~~(developmentally~~
14 disabled persons)) developmental disabilities; and (2) individual
15 providers who are paid by the state for in-home services and hired by
16 individuals with physical disabilities, developmental disabilities,
17 mental illness, or mental impairment. The investigation may include an
18 examination of state and national criminal identification data and the
19 child abuse and neglect register established under chapter 26.44 RCW.
20 The secretary shall provide the results of the state background check
21 on individual providers to the individuals with physical disabilities,
22 developmental disabilities, mental illness, or mental impairment who
23 hired them and to their legal guardians, if any. The secretary shall
24 use the information solely for the purpose of determining the
25 character, suitability, and competence of these applicants except that
26 in the case of individuals with physical disabilities, developmental
27 disabilities, mental illness, or mental impairment who employ
28 individual providers, the determination of character, suitability, and
29 competence of applicants shall be made by the individual with a
30 physical disability, developmental disability, mental illness, or
31 mental impairment. Criminal justice agencies shall provide the
32 secretary such information as they may have and that the secretary may
33 require for such purpose. If necessary, persons may be employed on a
34 conditional basis pending completion of the background investigation.

1 NEW SECTION. **Sec. 2.** This act applies prospectively except
2 individuals who currently employ individual providers paid by the state
3 may be given the option to request a state background check during
4 reassessment for services."

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