
SENATE BILL 5528

State of Washington**55th Legislature****1997 Regular Session**

By Senators Kohl, Long, Thibaudeau, Franklin, Patterson, Fairley, Winsley, Oke and Rasmussen

Read first time 01/29/97. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to protecting children and vulnerable adults by
2 using background checks; amending RCW 28A.400.303, 28A.400.320,
3 28A.400.330, 28A.410.090, 28A.410.110, 28A.405.470, 28A.195.010,
4 9.96A.020, and 41.06.150; reenacting and amending RCW 18.130.040;
5 adding new sections to chapter 28A.400 RCW; adding new sections to
6 chapter 28A.410 RCW; adding a new section to chapter 2.04 RCW; adding
7 a new section to chapter 2.06 RCW; adding a new chapter to Title 70
8 RCW; creating new sections; repealing RCW 41.06.475, 43.43.815,
9 43.43.832, 43.43.834, 43.43.838, and 43.43.842; prescribing penalties;
10 and providing an effective date.

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

12 NEW SECTION. **Sec. 1.** FINDINGS--INTENT--PURPOSE. The legislature
13 finds that conducting background checks on individuals who work in
14 sensitive positions serves an important role in helping businesses and
15 organizations protect children, vulnerable adults, and financial
16 assets. The legislature also finds that background checks often reveal
17 information about individuals that, if used, disclosed, or disseminated
18 improperly, could cause significant harm to the individuals who are the
19 subject of the background checks. The legislature intends to improve

1 access to important background check information while safeguarding the
2 privacy of individuals who may be the subject of background checks.

3 The primary purposes of this act are to: (1) Increase the safety
4 of children and vulnerable adults who receive services paid for wholly
5 or partially by the state, who receive supervision, care, and treatment
6 by individuals who are regulated by the state, and who receive
7 supervision, care, and treatment by individuals who are not otherwise
8 regulated by the state; (2) provide a coherent, consistent application
9 of laws and policies regarding the gathering, use, and dissemination of
10 background check information for noncriminal justice purposes; (3)
11 reduce the backlog in entering criminal history record information into
12 the Washington state patrol's data base; (4) decrease delay and
13 duplication in the processing and dissemination of background check
14 requests made by businesses and organizations from the Washington state
15 patrol; and (5) create improved electronic technologies to enhance the
16 services of the Washington state patrol and promote more efficient
17 processing of background check requests by government, businesses, and
18 organizations.

19 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
20 section apply throughout this chapter, unless the context clearly
21 requires otherwise.

22 (1) "Background check" means an investigation into an individual's
23 background for the purposes of determining the individual's suitability
24 for involvement with a business or organization. A background check
25 may include, but is not limited to, an investigation of state and
26 national conviction records, civil adjudications and court orders, and
27 administrative decisions.

28 (2) "Business or organization" means any person, entity, or
29 government agency seeking to hire, or engage as a volunteer, any
30 individual who may have unsupervised access to children or vulnerable
31 adults, or who may have access to information affecting national
32 security, trade secrets, confidential or proprietary business
33 information, money, or items of value. "Business or organization" also
34 includes any individual or entity to which a business or organization
35 delegates its authority to request or receive information under this
36 chapter.

37 (3) "Certified copy of a background check record" means a certified
38 document issued by the state patrol to an individual upon his or her

1 request under section 22 of this act identifying the individual's: (a)
2 Conviction record; (b) adverse dependency adjudications; (c) adverse
3 disciplinary board final decisions; and (d) protection orders; or the
4 lack of any such records.

5 (4) "Child" or "children" means an individual or individuals under
6 the age of sixteen.

7 (5) "Conviction record" has the same meaning as in RCW 10.97.030
8 except that the following are not considered conviction records for the
9 purposes of this act: (a) Convictions that have been dismissed,
10 expunged, reversed, or vacated as the result of a final determination
11 by a court of competent jurisdiction; and (b) records of criminal
12 proceedings that have been sealed by an order of a court of competent
13 jurisdiction.

14 (6) "Credentialing authority" means a state agency, board,
15 disciplining authority, or body authorized to grant, deny, suspend, or
16 revoke a state credential.

17 (7) "Department" means the department of social and health
18 services.

19 (8) "Dependency adjudication" means a final adjudication in a
20 dependency action under chapter 13.34 RCW that includes a finding of
21 physical or sexual abuse, neglect, or exploitation of a child.

22 (9) "Disciplinary board final decisions" means final decisions
23 issued by the secretary of the department of health, a disciplining
24 authority under chapter 18.130 RCW, or the director of the department
25 of licensing.

26 (10) "Disciplining authority" has the same meaning as in RCW
27 18.130.020.

28 (11) "FBI" means the federal bureau of investigation.

29 (12) "Individual" means any natural person.

30 (13) "Involvement" or "involved with" means working for a business
31 or organization for compensation, consideration, or as a volunteer.
32 Individuals involved with a business or organization may include, but
33 are not limited to employees, contractors, trainees, student interns,
34 and volunteers.

35 (14) "Lawful service" means an entity licensed to do business in
36 this state or any other jurisdiction.

37 (15) "May have unsupervised access" means unsupervised access that
38 will or may occur as part of an individual's regularly scheduled

1 activities or work duties or that will or may occur as a likely
2 consequence of the work environment.

3 (16) "Nonprofit business or organization" means a nongovernmental
4 business or organization that operates for any lawful purpose where no
5 part of its income is distributable to its owners, members, directors,
6 or officers.

7 (17) "Protection orders" means court orders, other than ex parte or
8 temporary orders, issued for the purpose of protecting someone from
9 contact, harassment, or domestic violence. Protection orders include
10 criminal antiharassment orders issued under chapter 9A.46 RCW; civil
11 antiharassment protection orders issued under chapter 10.14 RCW;
12 domestic violence no contact orders issued under chapter 10.99 RCW;
13 dissolution decree restraining orders issued under chapter 26.09 RCW;
14 nonparental custody action restraining orders issued under chapter
15 26.10 RCW; uniform parenting act restraining orders issued under
16 chapter 26.26 RCW; domestic violence protection orders issued under
17 chapter 26.50 RCW; and orders for protection of vulnerable adults
18 issued under chapter 74.34 RCW.

19 (18) "Secretary" means the secretary of the department.

20 (19) "Serious violent offense" has the same meaning as in RCW
21 9.94A.030.

22 (20) "Sex offense" has the same meaning as in RCW 9.94A.030.

23 (21) "State credential" means a license, permit, certificate, or
24 registration issued to a health professional under chapter 18.130 RCW
25 or to a teacher under chapter 28A.410 RCW. An "initial state
26 credential" means the first credential obtained by an individual and
27 does not include an expansion, renewal, continuation, or reinstatement
28 of the credential.

29 (22) "State patrol" means the Washington state patrol.

30 (23) "Unsupervised access" means access, for more than a nominal
31 period of time, outside the presence of: (a) Another person who has
32 cleared a background check; or (b) any relative or guardian of the
33 child or vulnerable adult to which the individual may have unsupervised
34 access. For the purposes of this subsection, a person has "cleared a
35 background check" when the business or organization, using the results
36 of its background check investigation, determines the individual is
37 suitable to have unsupervised access to children or vulnerable adults.

38 (24) "Violent offense" has the same meaning as in RCW 9.94A.030.

1 (25) "Volunteer" means a person who: (a) Performs any assigned or
2 authorized duty for the state, its political subdivisions, any
3 federally recognized Indian tribe, the federal government, or a
4 business or organization; (b) receives no wages; and (c) may be
5 voluntarily granted maintenance and reimbursement for actual expenses
6 incurred in the performance of his or her duties.

7 (26) "Vulnerable adult" means an individual over the age of sixteen
8 who lacks the functional, mental, or physical ability to care for
9 himself or herself, including persons found incapacitated under chapter
10 11.88 RCW; individuals with developmental disabilities as defined in
11 chapter 71A.10 RCW; individuals admitted to any long-term care facility
12 that is licensed or required to be licensed under chapter 18.20, 18.51,
13 72.36, or 70.128 RCW; and individuals receiving services from home
14 health, hospice, or home care agencies licensed or required to be
15 licensed under chapter 70.127 RCW.

16 NEW SECTION. **Sec. 3.** SOURCES OF BACKGROUND CHECK INFORMATION. A
17 business or organization may obtain conviction records and background
18 check information from any lawful source, except that government
19 agencies must obtain conviction records from the state patrol. A
20 business or organization may delegate to another individual or entity
21 its authority to request or receive information under this chapter.

22 NEW SECTION. **Sec. 4.** LIMITATION ON STATE LIABILITY. If any
23 information is released under this chapter by the state of Washington,
24 the state and its employees: (1) Make no representation that the
25 subject of the inquiry has no criminal record or adverse civil or
26 administrative decisions; (2) make no determination that the subject of
27 the inquiry is suitable for involvement with a business or
28 organization; and (3) are not liable for defamation, invasion of
29 privacy, negligence, or any other claim in connection with any lawful
30 dissemination of information.

31 NEW SECTION. **Sec. 5.** DISQUALIFICATION FROM STATE EMPLOYMENT. (1)
32 This section applies to individuals who were not employed by the state
33 on or before the effective date of this section. This section also
34 applies to individuals who are employed by the state and, after the
35 effective date of this section, seek a change in positions to one where
36 they may have unsupervised access to children or vulnerable adults.

1 (2) An individual is permanently disqualified from employment by
2 the state for any position where the individual may have unsupervised
3 access to children or vulnerable adults if the individual has a
4 conviction record for any of the following criminal offenses:

5 (a) A serious violent offense;

6 (b) A sex offense; or

7 (c) Any felony offense, or its federal or out of state equivalent,
8 involving: (i) Sexual exploitation of a child under chapter 9.68A RCW;
9 (ii) criminal mistreatment of a child or dependent person under chapter
10 9A.42 RCW; or (iii) the sale or purchase of a child under RCW
11 9A.64.030.

12 (3) An individual is disqualified from employment by the state for
13 any position where the individual may have unsupervised access to
14 children or vulnerable adults for a period of at least ten years from
15 the date of conviction or release from confinement, whichever is
16 longer, if the individual has a conviction record for any of the
17 following criminal offenses:

18 (a) A violent offense;

19 (b) A sex-related offense under chapter 9.68, 9A.44, or 9A.88 RCW
20 that does not constitute a sex offense under RCW 9.94A.030;

21 (c) A felony offense constituting: (i) Custodial interference
22 under chapter 9A.40 RCW; (ii) malicious harassment under chapter 9A.36
23 RCW; (iii) residential burglary under chapter 9A.52 RCW; (iv) theft 1
24 or 2 under chapter 9A.56 RCW; (v) fraud under chapter 9A.60 RCW; or
25 (vi) unlawful issuance of checks or drafts under chapter 9A.56 RCW; or

26 (d) Any federal or out-of-state offense equivalent to those in (b)
27 and (c) of this subsection.

28 (4) An individual may be disqualified from employment by the state
29 for any position where the individual may have unsupervised access to
30 children or vulnerable adults if the individual has a conviction record
31 for any of the following criminal offenses, regardless of the length of
32 time that has elapsed since the individual's conviction or release from
33 confinement:

34 (a) A misdemeanor offense, or its federal or out-of-state
35 equivalent, constituting: (i) Assault 4 under chapter 9A.36 RCW; (ii)
36 unlawful imprisonment under chapter 9A.40 RCW; (iii) criminal
37 mistreatment under chapter 9A.42 RCW; or (iv) theft 3 under chapter
38 9A.56 RCW; or

1 (b) Any other offense identified by an agency in rule as being
2 directly related to an individual's suitability to have unsupervised
3 access to children or vulnerable adults.

4 NEW SECTION. **Sec. 6.** SELF REPORTING REQUIREMENT FOR STATE
5 EMPLOYEES. (1) An individual employed by the state shall report to his
6 or her supervisor any conviction occurring after the effective date of
7 this section for an offense set forth in, or adopted under, section 5
8 of this act. The report must be made within seven days of the
9 conviction.

10 (2) Failure by an individual to report a conviction shall be
11 considered in any subsequent disciplinary action.

12 NEW SECTION. **Sec. 7.** DISQUALIFICATION FROM STATE CREDENTIALS.
13 (1) This section applies to individuals who have not obtained an
14 initial state credential on or before the effective date of this
15 section.

16 (2) An individual is permanently disqualified from obtaining a
17 state credential that would allow the individual to have unsupervised
18 access to children or vulnerable adults if the individual has a
19 conviction record for any of the following criminal offenses:

20 (a) A serious violent offense;

21 (b) A sex offense; or

22 (c) Any felony offense, or its federal or out-of-state equivalent,
23 constituting: (i) Sexual exploitation of a child under chapter 9.68A
24 RCW; (ii) criminal mistreatment of a child or dependent person under
25 chapter 9A.42 RCW; or (iii) the sale or purchase of a child under RCW
26 9A.64.030.

27 (3) An individual may be disqualified from obtaining a state
28 credential that would allow the individual to have unsupervised access
29 to children or vulnerable adults if the individual has a conviction
30 record for any of the following offenses, regardless of the length of
31 time that has elapsed since the individual's conviction or release of
32 confinement:

33 (a) A violent offense;

34 (b) A sex-related offense under chapter 9.68, 9A.44, or 9A.88 RCW
35 that does not constitute a sex offense under RCW 9.94A.030;

36 (c) A felony offense constituting: (i) Custodial interference
37 under chapter 9A.40 RCW; (ii) malicious harassment under chapter 9A.36

1 RCW; (iii) residential burglary under chapter 9A.52 RCW; (iv) theft 1
2 or 2 under chapter 9A.56 RCW; (v) fraud under chapter 9A.60 RCW; or
3 (vi) unlawful issuance of checks or drafts under chapter 9A.56 RCW;

4 (d) A misdemeanor offense constituting: (i) Assault 4 under
5 chapter 9A.36 RCW; (ii) unlawful imprisonment under chapter 9A.40 RCW;
6 (iii) criminal mistreatment under chapter 9A.42 RCW; or (iv) theft 3
7 under chapter 9A.56 RCW;

8 (e) Any federal or out-of-state offense equivalent to those in (b),
9 (c), or (d) of this subsection; or

10 (f) Any other offense identified by a credentialing authority in
11 rule as being directly related to an individual's suitability to obtain
12 an initial state credential.

13 NEW SECTION. **Sec. 8.** SELF REPORTING REQUIREMENT FOR CREDENTIALLED
14 INDIVIDUALS. (1) An individual who receives a state credential shall
15 report to the credentialing authority any conviction occurring after
16 the effective date of this section for an offense set forth in, or
17 adopted under, section 7 of this act. The report must be made within
18 seven days of the conviction.

19 (2) The credentialing authorities shall adopt rules to implement
20 this section.

21 (3) Failure by an individual to report a conviction shall be
22 considered by the credentialing authority in any application for
23 renewal or reinstatement of the credential.

24 NEW SECTION. **Sec. 9.** RULES FOR STATE EMPLOYMENT. (1) The
25 Washington personnel resources board shall adopt rules for the
26 implementation of this chapter.

27 (2) The rules adopted under this section shall prescribe, at a
28 minimum, the following:

29 (a) The process by which each agency shall request and receive
30 background check information from the state patrol, the FBI, and other
31 appropriate state agencies;

32 (b) The notifications describing the background check requirements
33 and procedures to be given to individuals seeking employment positions
34 where they may have unsupervised access to children or vulnerable
35 adults;

1 (c) The permissible uses of the background check information, which
2 shall be limited to determining an individual's suitability to have
3 unsupervised access to children or vulnerable adults;

4 (d) That no individual may be involved with a state agency in a
5 position where he or she may have unsupervised access to children or
6 vulnerable adults until a background check has been completed; and

7 (e) The process for self reporting of convictions as required under
8 section 6 of this act.

9 (3) Rules adopted under this section prevail over rules adopted by
10 any state agency to implement this chapter if the agency rules conflict
11 with those adopted by the personnel resources board.

12 (4) Until July 1, 1999, the rules under this chapter shall be
13 adopted in consultation with the state patrol, the department of social
14 and health services, the office of the superintendent of public
15 instruction, the department of health, and the department of
16 corrections.

17 NEW SECTION. **Sec. 10.** DEPARTMENT OF SOCIAL AND HEALTH SERVICES--
18 NEW EMPLOYEES AND CONTRACTORS. (1) This section applies to individuals
19 who were not involved with the department or a business or organization
20 in positions where they may have unsupervised access to children or
21 vulnerable adults on or before the effective date of this section.

22 (2) The secretary shall conduct a background check on individuals
23 who seek involvement with:

24 (a) The department, including transfers, promotions, demotions, or
25 nonpermanent appointments within the department;

26 (b) A business or organization licensed, certified, or contracted
27 by the department;

28 (c) A business or organization contracted by a licensed or
29 certificated business or organization, or a subcontractor with a
30 contractor of the department; and

31 (d) A business or organization hiring an individual to perform in-
32 home services or child care that is paid for by the state, in positions
33 where the person may have unsupervised access to children or vulnerable
34 adults.

35 (3) The background check shall include:

36 (a) A state background check through the state patrol except as
37 provided in subsection (5) of this section;

1 (b) A national conviction record check through the FBI, except as
2 provided in subsection (5) of this section; and

3 (c) A review of the department's child protective services case
4 files and such other information in the electronic records of the
5 department as necessary to determine whether the individual has been
6 found to have committed abuse or neglect of a child or vulnerable
7 adult.

8 (4) The secretary shall:

9 (a) Notify the individual that a background check must be completed
10 before involvement with the department or business or organization may
11 begin;

12 (b) Require the individual to furnish two full sets of fingerprints
13 to the department, except as provided in subsection (5) of this
14 section;

15 (c) Submit the completed fingerprint data to the state patrol along
16 with any fees and other information required by the state patrol in
17 rules adopted pursuant to section 21 of this act;

18 (d) Acknowledge in writing, on a form provided by the state patrol,
19 that the absence of a state patrol or FBI record does not mean the
20 individual has no criminal record, or adverse civil or administrative
21 decision, nor does it represent a determination by the state patrol
22 that the individual is suitable for involvement with the department or
23 a business or organization;

24 (e) Notify the individual of the results of the background check
25 within ten days after receipt by the department if a conviction record
26 or adverse civil or administrative decision is found;

27 (f) Restrict use of the background check results to determining the
28 individual's suitability for involvement with the department or a
29 business or organization; and

30 (g) Protect from further disclosure or dissemination the results of
31 the individual's background check unless such further disclosure or
32 dissemination is otherwise permitted or required by law.

33 (5) For an individual whose only involvement with the department or
34 a business or organization is as a volunteer, the secretary may:

35 (a) Require the background check to be conducted by the appropriate
36 agency if the volunteer does not reside in Washington state; and

37 (b) By rule, waive the requirements that (i) fingerprints be
38 submitted, and (ii) national conviction record checks be done.

1 (6) Notwithstanding any other provision or qualification, for
2 individuals seeking involvement with the department, the secretary:

3 (a) Shall deny individuals involvement in positions where they may
4 have unsupervised access to children or vulnerable adults if their
5 background check reveals a conviction for any offense in section 5(2)
6 of this act;

7 (b) May deny individuals involvement in positions where they may
8 have unsupervised access to children or vulnerable adults if their
9 background check reveals: (i) A conviction for any offense in section
10 5 (3) or (4) of this act; (ii) an adverse disciplinary board final
11 decision, dependency adjudication, or protection order; or (iii) a
12 conviction for any offense identified in rule under subsection (10) of
13 this section;

14 (c) May, in consultation with the appropriate disciplining
15 authority, waive the requirements of section 5(3) of this act on a
16 case-by-case basis for individuals employed or who seek employment in
17 the program established under RCW 70.96A.030.

18 (7) Notwithstanding any other provision or qualification, for
19 businesses or organizations licensed, certified, or contracted by the
20 department, the secretary:

21 (a) Shall deny, suspend, or revoke the license, certificate, or
22 contract of any business or organization that authorizes an
23 individual's involvement in a position allowing unsupervised access to
24 children or vulnerable adults if the individual's background check
25 reveals a conviction for any offense in section 5(2) of this act;

26 (b) May deny, suspend, or revoke the license, certificate, or
27 contract of any business or organization that authorizes an
28 individual's involvement in a position allowing unsupervised access to
29 children or vulnerable adults if the individual's background check
30 reveals: (i) A conviction for any offense in section 5 (3) or (4) of
31 this act; (ii) an adverse disciplinary board final decision, dependency
32 adjudication, or protection order; or (iii) a conviction for any
33 offense identified in rule under subsection (10) of this section.

34 (8) Any business or organization learning of a disqualifying
35 offense under section 5 of this act or subsection (10) of this section
36 shall remove the individual from the position allowing unsupervised
37 access within forty-eight hours. If a business or organization fails
38 to remove the individual within forty-eight hours, the secretary shall
39 take corrective action as provided in this subsection. Any business or

1 organization removing an individual shall notify the department within
2 seventy-two hours of the removal.

3 (9) Notwithstanding any other provision or qualification, for
4 businesses or organizations hiring individuals to perform in-home
5 services or child care that is paid for by the state, the secretary:

6 (a) Shall deny payment for any services rendered by an individual
7 whose background check reveals a conviction for any offense in section
8 5(2) of this act; and

9 (b) May deny payment for any services rendered by an individual
10 whose background check reveals: (i) A conviction for any offense in
11 section 5 (3) or (4) of this act; (ii) an adverse disciplinary board
12 final decision, dependency adjudication, or protection order; or (iii)
13 a conviction for any offense identified in rule under subsection (10)
14 of this section.

15 (10) The secretary may identify, in rule, additional offenses that
16 are directly related to an individual's suitability to have
17 unsupervised access to children or vulnerable adults and that may
18 disqualify an individual, for an appropriate period of time, from
19 involvement with the department or a business or organization, or from
20 payment for services. The rules may distinguish between offenses for
21 which a disqualification must be made and offenses for which a
22 disqualification may be made by the disciplining authority.

23 (11) In determining whether to disqualify an individual under
24 subsection (6), (7), or (9) of this section on the basis of an
25 individual's background check results, the secretary shall consider:

26 (a) The likelihood that the individual may have unsupervised access
27 to children or vulnerable adults as a result of involvement with the
28 department or a business or organization;

29 (b) The age of the individual at the time of the conviction or
30 adverse civil or administrative action;

31 (c) The length of time that has passed since the conviction or
32 adverse civil or administrative action; and

33 (d) Evidence of conduct subsequent to the conviction or adverse
34 civil or administrative action relating to the individual's suitability
35 to have unsupervised access to children or vulnerable adults.

36 NEW SECTION. **Sec. 11.** BACKGROUND CHECKS--UPDATES. (1) The
37 secretary shall periodically update the background checks conducted

1 under section 10 of this act for those individuals who remain involved
2 with the department or a business or organization.

3 (2) Updated background checks shall be conducted at least once
4 every three years for each individual, but they may be conducted more
5 often if the secretary has reasonable cause to believe an individual's
6 background check record has changed.

7 (3) The requirements and procedures in section 10 of this act apply
8 to all updated background checks conducted under this section, except
9 the background check need not be fingerprint-based unless the secretary
10 has reasonable cause to believe it is necessary.

11 (4) For individuals involved with the department, the secretary
12 shall terminate an individual's involvement in any positions where the
13 individual may have unsupervised access to children or vulnerable
14 adults if the updated background check reveals a previously undisclosed
15 conviction:

16 (a) For any offense in section 5(2) of this act;

17 (b) For any offense in section 5(3) of this act, unless: (i) More
18 than ten years have passed since the latter of the date of conviction
19 or release from confinement; and (ii) the secretary determines the
20 individual should not be disqualified after considering the criteria in
21 section 10(11) of this act; and

22 (c) For any offense in section 5(4) of this act, unless the
23 secretary determines the individual should not be disqualified after
24 considering the criteria in section 10(11) of this act.

25 (5) For businesses or organizations licensed, certified, or
26 contracted by the department, the secretary shall revoke the license or
27 certificate, or terminate the contract, of a business or organization
28 that authorizes an individual's involvement in any positions where the
29 individual may have unsupervised access to children or vulnerable
30 adults if the updated background check reveals a previously undisclosed
31 conviction:

32 (a) For any offense in section 5(2) of this act;

33 (b) For any offense in section 5(3) of this act, unless: (i) More
34 than ten years have passed since the latter of the date of conviction
35 or release from confinement; and (ii) the secretary determines the
36 individual should not be disqualified after considering the criteria in
37 section 10(11) of this act; and

1 (c) For any offense in section 5(4) of this act, unless the
2 secretary determines the individual should not be disqualified after
3 considering the criteria in section 10(11) of this act.

4 (6) For businesses or organizations hiring individuals to perform
5 in-home services and child care that is paid for by the state, the
6 secretary shall deny payment for any services rendered after an updated
7 background check reveals a previously undisclosed conviction:

8 (a) For any offense in section 5(2) of this act;

9 (b) For any offense in section 5(3) of this act, unless: (i) More
10 than ten years have passed since the latter of the date of conviction
11 or release from confinement; and (ii) the secretary determines the
12 individual should not be disqualified after considering the criteria in
13 section 10(11) of this act; and

14 (c) For any offense in section 5(4) of this act, unless the
15 secretary determines the individual should not be disqualified after
16 considering the criteria in section 10(11) of this act.

17 NEW SECTION. **Sec. 12.** FINGERPRINTING--COSTS. (1) An individual
18 required to provide fingerprint data to the department under sections
19 10 and 11 of this act is not responsible for the expense of obtaining
20 the fingerprint data.

21 (2) When an individual obtains fingerprint data from a local law
22 enforcement agency for the purposes of sections 10 and 11 of this act,
23 the department shall reimburse:

24 (a) The agency for the reasonable costs associated with providing
25 the fingerprint data to the individual; or

26 (b) The individual for the actual costs charged by the agency for
27 providing the fingerprint data.

28 NEW SECTION. **Sec. 13.** REVIEW FOR DISQUALIFIED DEPARTMENT OF
29 SOCIAL AND HEALTH SERVICES EMPLOYEES. (1) Any state employee adversely
30 affected as the result of information obtained through a background
31 check conducted under section 10 or 11 of this act, subject to the
32 conditions and restrictions of chapter 41.06 RCW, be eligible to be
33 transferred to another position that does not afford the individual
34 unsupervised access to children or vulnerable adults.

35 (2) This section applies only to individuals who are employed by
36 the state on the effective date of this section.

1 NEW SECTION. **Sec. 14.** DEPARTMENT OF HEALTH CREDENTIAL

2 REQUIREMENTS--PROCESS. (1) This section applies to individuals who
3 apply for an initial state credential for a health profession under
4 chapter 18.130 RCW on or after the effective date of this section.

5 (2) The disciplining authority shall conduct a background check on
6 each applicant for an initial state credential. The background check
7 shall include:

8 (a) A fingerprint-based state background check through the state
9 patrol;

10 (b) A national conviction record check through the FBI; and

11 (c) A review of the department's child protective services case
12 files and such other information in the electronic records of the
13 department as necessary to determine whether the individual has been
14 found to have committed abuse or neglect of a child or vulnerable
15 adult.

16 (3) The disciplining authority shall:

17 (a) Notify the individual applying for an initial state credential
18 that a background check must be completed before the credential is
19 issued;

20 (b) Require the individual to furnish two full sets of fingerprints
21 to the disciplining authority;

22 (c) Submit the completed fingerprint data to the state patrol along
23 with any fees and other information required by the state patrol in
24 rules adopted pursuant to section 21 of this act;

25 (d) Acknowledge in writing, on a form provided by the state patrol,
26 that the absence of a state patrol or FBI record does not mean the
27 individual has no criminal record, or adverse civil or administrative
28 decision, nor does it represent a determination by the state patrol
29 that the individual is suitable to obtain an initial state credential;

30 (e) Notify the individual of the results of the background check
31 within ten days after receipt by the disciplining authority if a
32 conviction record, adverse disciplinary board final decision,
33 dependency adjudication, or protection order was found;

34 (f) Restrict use of the background check results to determining the
35 individual's suitability for an initial state credential; and

36 (g) Protect from further disclosure or dissemination the results of
37 the individual's background check unless such further disclosure or
38 dissemination is otherwise permitted or required by law.

1 (4) The expense of the background check and obtaining fingerprint
2 data shall be paid by the individual applying for his or her initial
3 state credential.

4 (5) In addition to any other conditions or criteria under Title 18
5 RCW, the disciplining authority:

6 (a) Shall deny an initial state credential to an individual whose
7 background check reveals a conviction for any offense in section 7(2)
8 of this act;

9 (b) May deny an initial state credential to an individual whose
10 background check reveals: (i) A conviction for any offense in section
11 7(3) of this act; (ii) an adverse disciplinary board final decision,
12 dependency adjudication, or protection order; or (iii) a conviction for
13 any offense identified in rule under subsection (6) of this section;
14 and

15 (c) May, in consultation with the secretary, waive the requirements
16 of section 7(3) of this act on a case-by-case basis for individuals who
17 require a state credential to be employed in the program established
18 under RCW 70.96A.030.

19 (6) The disciplining authority may identify, in rule, additional
20 offenses that are directly related to an individual's suitability to
21 obtain an initial state credential and that may disqualify an
22 individual, for an appropriate period of time, from receiving the
23 credential. The rules may distinguish between offenses for which a
24 disqualification must be made and offenses for which an individual may
25 be disqualified by the disciplining authority.

26 (7) In determining whether to grant or deny an initial state
27 credential on the basis of an individual's background check results,
28 the disciplining authority shall consider:

29 (a) The age of the individual at the time of the conviction or
30 adverse civil or administrative decision;

31 (b) The length of time that has passed since the conviction or
32 adverse civil or administrative decision;

33 (c) Evidence of conduct subsequent to the conviction or adverse
34 civil or administrative decision relating to the individual's
35 suitability to obtain an initial state credential; and

36 (d) The appropriateness of issuing a credential with conditions as
37 provided for in chapter 18.130 RCW.

1 NEW SECTION. **Sec. 15.** DEPARTMENT OF HEALTH CREDENTIALS--RECHECKS.

2 (1) This section applies to individuals who apply for a renewal or
3 reinstatement of a state credential for a health profession under
4 chapter 18.130 RCW on or after the effective date of this section.

5 (2) The disciplining authority shall conduct a background check,
6 under the schedule adopted pursuant to subsection (3) of this section,
7 on each individual applying for a renewal or reinstatement of a state
8 credential. The background check shall include:

9 (a) A state background check through the state patrol, which need
10 not be fingerprint-based unless the authority has reasonable cause to
11 believe a fingerprint-based background check is necessary; and

12 (b) A review of the department's child protective services case
13 files and such other information in the electronic records of the
14 department as necessary to determine whether the individual has been
15 found to have committed abuse or neglect of a child or vulnerable
16 adult.

17 (3) The disciplining authority shall establish a schedule for
18 conducting the background checks required under subsection (2) of this
19 section. The schedule shall require all individuals to have a
20 background check conducted within three years, and on a biennial basis
21 thereafter.

22 (4) In addition to any other conditions or criteria under Title 18
23 RCW, the disciplining authority:

24 (a) Shall deny a renewal or reinstatement of a state credential to
25 an individual whose background check reveals a conviction for any
26 offense in section 7(2) of this act, unless the disciplinary authority
27 finds good cause to grant a renewed or reinstated credential. In
28 determining whether good cause exists, the disciplining authority shall
29 consider the criteria set forth in subsection (6) of this section; and

30 (b) May deny a renewal or reinstatement of a state credential to an
31 individual whose background check reveals: (i) A conviction for any
32 offense in section 7(3) of this act; (ii) an adverse disciplinary board
33 final decision, dependency adjudication, or protection order; or (iii)
34 a conviction for any offense identified in rule under subsection (5) of
35 this section.

36 (5) The disciplining authority may identify, in rule, additional
37 offenses that are directly related to an individual's suitability to
38 obtain a renewed or reinstated state credential and that may disqualify
39 an individual, for an appropriate period of time, from renewing or

1 reinstating the credential. The rules may distinguish between offenses
2 for which a disqualification must be made and offenses for which an
3 individual may be disqualified by the disciplining authority.

4 (6) In determining whether to grant or deny the renewal or
5 reinstatement of a state credential on the basis of an individual's
6 background check results, the disciplining authority shall consider:

7 (a) The age of the individual at the time of the conviction or
8 adverse civil or administrative decision;

9 (b) The length of time that has passed since the conviction or
10 adverse civil or administrative decision;

11 (c) Evidence of conduct subsequent to the conviction or adverse
12 civil or administrative decision relating to the individual's
13 suitability to obtain the renewal or reinstatement, including the
14 individual's conduct while previously credentialed; and

15 (d) The appropriateness of issuing a credential with conditions as
16 provided for in chapter 18.130 RCW.

17 NEW SECTION. **Sec. 16.** VULNERABLE ADULTS--ADDITIONAL LICENSING
18 REQUIREMENTS FOR AGENCIES PROVIDING SERVICES. The secretary and the
19 secretary of health shall adopt in rule additional requirements for the
20 licensure or relicensure of agencies or facilities that provide care
21 and treatment to vulnerable adults. These additional requirements
22 shall ensure that any person associated with a licensed agency or
23 facility having direct contact with a vulnerable adult shall not have
24 been: (1) Convicted of a crime set forth in, or adopted under, section
25 5 of this act; (2) found in any disciplinary board final decision to
26 have abused a vulnerable adult; or (3) the subject of a protective
27 order under chapter 74.34 RCW.

28 NEW SECTION. **Sec. 17.** PRIVATE SECTOR CHECKS REGARDING CHILDREN
29 AND VULNERABLE ADULTS. (1) Unless otherwise required by law, no
30 business or organization is required to conduct a background check on
31 an individual who may have unsupervised access to children or
32 vulnerable adults.

33 (2) Any business or organization that conducts a background check
34 on an individual who may have unsupervised access to children or
35 vulnerable adults shall:

1 (a) Notify the individual that such investigation will be made and,
2 if the investigation will be performed by someone other than the
3 business or organization, identify who will conduct the investigation;

4 (b) Notify the individual of the results of the background check
5 within ten days after completion or receipt by the business or
6 organization;

7 (c) Restrict use of the background check results to determining the
8 individual's initial or continued suitability for involvement with the
9 business or organization;

10 (d) Protect from further disclosure or dissemination the results of
11 the individual's background check unless such further disclosure or
12 dissemination is otherwise permitted or required by law; and

13 (e) When requesting or receiving information from the state patrol,
14 acknowledge in writing, on a form provided by the state patrol, that
15 the absence of a state patrol record does not mean the individual has
16 no criminal record, or adverse civil or administrative decision, nor
17 does it represent a determination by the state patrol that the
18 individual is suitable to have unsupervised access to children or
19 vulnerable adults.

20 (3) In addition to the requirements of subsection (2) of this
21 section, any business or organization that conducts a fingerprint-based
22 background check through the state patrol on an individual who may have
23 unsupervised access to children or vulnerable adults shall:

24 (a) Notify the individual that such investigation will be made and
25 require the individual to furnish a full set of fingerprints to the
26 business or organization;

27 (b) Submit the completed fingerprint data to the state patrol along
28 with any fees and other information required by the state patrol in
29 rules adopted pursuant to section 21 of this act; and

30 (c) Acknowledge in writing, on a form provided by the state patrol,
31 that the absence of a state patrol record does not mean the individual
32 has no criminal record, or adverse civil or administrative decision,
33 nor does it represent a determination by the state patrol that the
34 individual is suitable to have unsupervised access to children or
35 vulnerable adults.

36 (4) In addition to the requirements of subsection (2) of this
37 section, any business or organization that conducts a national
38 conviction record check through the FBI on an individual who may have
39 unsupervised access to children or vulnerable adults shall:

1 (a) Notify the individual that such investigation will be made and
2 require the individual to furnish two full sets of fingerprints to the
3 business or organization;

4 (b) Submit the completed fingerprint data to the state patrol along
5 with any fees and other information required by the state patrol in
6 rules adopted under section 21 of this act; and

7 (c) Acknowledge the following in writing, on a form provided by the
8 state patrol: (i) Federal law prohibits the disclosure or
9 dissemination of FBI national conviction records outside of a
10 governmental agency; (ii) the state patrol will compare the results of
11 the FBI national conviction record check to the offenses specified
12 under section 5 of this act and disclose only whether or not the
13 individual has a record for any of those offenses; and (iii) the
14 absence of a record for a crime specified under section 5 of this act
15 does not mean the individual has no criminal record nor does it
16 represent a determination by the state patrol that the individual is
17 suitable to have unsupervised access to children or vulnerable adults.

18 NEW SECTION. **Sec. 18.** INSURANCE REQUIREMENTS--LIMITATION. An
19 insurance company may not require, as a condition of issuing a policy
20 of insurance, that a business or organization conduct background checks
21 on individuals who may have unsupervised access to children or
22 vulnerable adults.

23 NEW SECTION. **Sec. 19.** PRIVATE SECTOR CONVICTION RECORD CHECKS--
24 BONDING. (1) A business or organization may conduct a check of an
25 individual's conviction records for the following purposes:

26 (a) Securing a bond required for any involvement with the business
27 or organization;

28 (b) Conducting pre and post-involvement evaluations of individuals
29 who, in the course of their involvement with the business or
30 organization, will or may have access to information affecting national
31 security, trade secrets, confidential or proprietary business
32 information, money, or items of value; or

33 (c) Assisting an investigation of suspected misconduct where such
34 misconduct may also constitute a penal offense under the laws of the
35 United States or any state.

1 (2) A business or organization that conducts a conviction record
2 check for any of the purposes authorized in subsection (1)(a) or (b) of
3 this section shall:

4 (a) Notify the individual that such check will be made and, if the
5 conviction record check will be conducted by someone other than the
6 business or organization, identify who will conduct the check;

7 (b) Notify the individual of the results of the conviction record
8 check within thirty days after completion or receipt by the business or
9 organization and make the record available for examination by the
10 individual upon request; and

11 (c) Restrict disclosure or dissemination of the conviction record
12 check results to only those persons involved in the hiring, background
13 investigation, or job assignment of the individual and restrict the use
14 of the information for only those purposes authorized under subsection
15 (1) of this section.

16 (3) In addition to the requirements of subsection (2) of this
17 section, a business or organization that conducts a fingerprint-based
18 conviction record check through the state patrol for any of the
19 purposes authorized in subsection (1)(a) or (b) of this section shall:

20 (a) Notify the individual that such inquiry will be made and
21 require the individual to furnish two full sets of fingerprints to the
22 employer;

23 (b) Submit the completed fingerprint data to the state patrol along
24 with any fees and other information required by the state patrol in
25 rules adopted pursuant to section 21 of this act; and

26 (c) Acknowledge in writing, on a form provided by the state patrol,
27 that the absence of a state patrol record does not mean the individual
28 has no criminal record, or adverse civil or administrative decision,
29 nor does it represent a determination by the state patrol that the
30 individual is suitable for bonding or involvement with the business or
31 organization.

32 (4) In addition to the requirements of subsections (2) and (3) of
33 this section, a business or organization that conducts a conviction
34 record check for any of the purposes authorized in subsection (1) of
35 this section shall protect from further disclosure or dissemination the
36 results of the individual's conviction record check unless such further
37 disclosure or dissemination is otherwise permitted or required by law.

38 (5) This section shall not be construed to allow a business or
39 organization to make an inquiry not otherwise authorized by law or to

1 affect the policy of the state declared in RCW 9.96A.010 encouraging
2 the employment of ex-offenders.

3 NEW SECTION. **Sec. 20.** STATE PATROL DUTIES. The state patrol
4 shall furnish, in response to any lawful request, conviction record and
5 other background check information maintained in its data base
6 customarily used to provide such information.

7 NEW SECTION. **Sec. 21.** STATE PATROL RULES--PROCESSING AND FEES.
8 (1) The state patrol shall adopt rules to implement this chapter. The
9 rules shall include, at a minimum:

10 (a) Provisions for protecting the security of information received
11 and stored by the state patrol;

12 (b) Provisions for protecting the security and privacy of
13 information disseminated by the state patrol;

14 (c) Provisions for determining if violations of this chapter have
15 occurred and the consequences of such violations;

16 (d) Provisions for verifying when a nongovernment business or
17 organization is nonprofit; and

18 (e) Procedures, forms, and a fee schedule for background checks
19 processed by the state patrol under this chapter.

20 (2) The provisions and procedures adopted by the state patrol under
21 subsection (1) of this section shall include, to the greatest extent
22 possible, alternatives that encourage businesses and organizations and
23 individuals to request and receive information electronically.

24 (3) The fee schedule adopted by the state patrol under subsection
25 (1) of this section shall cover, as nearly as practicable, the direct
26 and indirect costs to the state patrol for processing the checks
27 authorized under this chapter. The fee schedule shall reflect the
28 following:

29 (a) No fee may be charged to a nonprofit business or organization
30 for any conviction record check or background check certified by the
31 nonprofit business or organization to be an initial check on an
32 individual who may have unsupervised access to children or vulnerable
33 adults, except that the state patrol shall collect any fees imposed by
34 the FBI to process national conviction record checks;

35 (b) In the case of background checks using fingerprints requested
36 by a district, the state patrol shall charge only for the incremental
37 costs associated with checking fingerprints in addition to name and

1 date of birth. Record checks requested by districts using only name
2 and date of birth shall be provided free of charge; and

3 (c) The differences in processing costs to the state patrol
4 resulting from differences in (i) the types of background checks
5 requested; (ii) the methods used to request and receive background
6 check information; (iii) the volume of background checks requested by
7 a business or organization; and (iv) any other relevant factors
8 affecting processing costs.

9 NEW SECTION. **Sec. 22.** INDIVIDUALS' REQUESTS FOR RECORDS. (1)
10 Individuals who seek to volunteer with a business or organization where
11 they may have unsupervised access to children or vulnerable adults may
12 request from the state patrol a certified copy of their background
13 check record.

14 (2) Businesses and organizations may require individuals, other
15 than those with valid state credentials, to obtain certified copies of
16 their background check records from the state patrol before engaging
17 them as volunteers in positions where they may have unsupervised access
18 to children or vulnerable adults. A business or organization may
19 accept a valid state credential or a certified copy of an individual's
20 background check record in lieu of requesting a background check
21 through the state patrol. When a business or organization relies on a
22 valid state credential or a certified copy of a background check record
23 to determine the individual's suitability for involvement with the
24 business or organization, the business or organization understands and
25 accepts the risk that a conviction or an adverse civil or
26 administrative decision may have occurred since the date of issuance of
27 the state credential or certified copy of the background check record.

28 (3) An individual requesting a certified copy of his or her
29 background check record shall comply with the process and fee
30 requirements established by the state patrol in rules adopted under
31 section 21 of this act.

32 (4) A certified copy of a background check record is not valid for
33 more than two years from the date issued by the state patrol.

34 NEW SECTION. **Sec. 23.** VIOLATIONS. (1) An individual, or a
35 business or organization other than a government agency, determined by
36 the court or the state patrol to have willfully violated this chapter

1 is prohibited from requesting or receiving background check information
2 from the state patrol.

3 (2) An individual, or a business or organization other than a
4 government agency, determined by the court or the state patrol to have
5 negligently violated this chapter may be prohibited from requesting or
6 receiving background check information from the state patrol for up to
7 one year for each violation.

8 NEW SECTION. **Sec. 24.** LIMITATION ON PRIVATE SECTOR LIABILITY. No
9 individual or business or organization, nor any employee of a business
10 or organization, is liable for defamation, invasion of privacy,
11 negligence, or any other claim in connection with any lawful
12 dissemination of information authorized under this chapter.

13 NEW SECTION. **Sec. 25.** CIVIL REMEDIES. (1) In addition to any
14 other remedy provided by law, any individual may bring an action in
15 superior court to enjoin a continuance of any act in violation of this
16 chapter. Upon finding that a defendant is violating or has violated
17 any provision of this chapter, the court shall enjoin the defendant
18 from continuing the violation.

19 (2) Any person alleging harm from the wrongful use, disclosure, or
20 dissemination of information in violation of this chapter may bring an
21 action for civil damages.

22 (3) The prevailing party in any action brought under this section
23 is entitled to recover reasonable attorneys' fees and costs.

24 NEW SECTION. **Sec. 26.** A new section is added to chapter 28A.400
25 RCW to read as follows:

26 A school district board of directors may identify, in policy,
27 offenses in addition to those set forth in section 5 of this act that
28 are directly related to an individual's suitability to have
29 unsupervised access to children and that may disqualify an individual,
30 for an appropriate period of time, from employment within the school
31 district. The policies may distinguish between offenses for which a
32 disqualification must be made and offenses for which an individual may
33 be disqualified.

34 NEW SECTION. **Sec. 27.** A new section is added to chapter 28A.400
35 RCW to read as follows:

1 (1) This section applies to noncertificated employees of school
2 districts, educational service districts, and their contractors.

3 (2) School districts, educational service districts, and their
4 contractors shall periodically update the record checks conducted under
5 RCW 28A.400.303 for those individuals who remain employed with the
6 school district, educational service district, or contractor. Updated
7 record checks shall be conducted at least once every three years for
8 each employee, but they may be conducted more often if the employer has
9 reasonable cause to believe an individual's record has changed. An
10 updated record check need not be fingerprint-based unless the employer
11 has reasonable cause to believe it is necessary.

12 NEW SECTION. **Sec. 28.** A new section is added to chapter 28A.400
13 RCW to read as follows:

14 (1) This section applies to noncertificated employees of school
15 districts, educational service districts, and their contractors.

16 (2) School districts, educational service districts, and their
17 contractors:

18 (a) Shall immediately terminate the employment of any classified or
19 other noncertificated employee who has contact with children during the
20 course of his or her employment upon a guilty plea or conviction for
21 any offense set forth in section 5(2) of this act; and

22 (b) May terminate the employment of any classified or other
23 noncertificated employee whose record check reveals a guilty plea or
24 conviction for any offense set forth in section 5 (3) or (4) of this
25 act, or adopted under section 26 of this act.

26 NEW SECTION. **Sec. 29.** A new section is added to chapter 28A.410
27 RCW to read as follows:

28 (1) In addition to any other eligibility requirements under this
29 title, including any requirements relating to good moral fitness and
30 personal character, the superintendent of public instruction:

31 (a) Shall deny the issuance, renewal, or reinstatement of a
32 certificate or permit to an individual whose record check reveals a
33 conviction for any offense in section 7(2) of this act; and

34 (b) May deny the issuance, renewal, or reinstatement of a
35 certificate or permit to an individual whose record check reveals: (i)
36 A conviction for any offense in section 7(3) of this act; or (ii) a

1 conviction for any offense identified in rule under subsection (2) of
2 this section.

3 (2) The state board of education may identify, in rule, additional
4 offenses that are directly related to an individual's suitability to
5 obtain a certificate or permit and that may disqualify an individual,
6 for an appropriate period of time, from receiving an initial, renewed,
7 or reinstated certificate or permit. The rules may distinguish between
8 offenses for which a disqualification must be made and offenses for
9 which an individual may be disqualified by the superintendent of public
10 instruction.

11 NEW SECTION. **Sec. 30.** A new section is added to chapter 28A.410
12 RCW to read as follows:

13 (1) The superintendent of public instruction shall periodically
14 update the record checks conducted under RCW 28A.410.010 for those
15 individuals who have a credential or permit under this chapter. The
16 updated record check need not be fingerprint-based unless the
17 superintendent of public instruction has reasonable cause to believe it
18 is necessary.

19 (2) The superintendent of public instruction shall establish a
20 schedule for conducting the record checks under this section. The
21 schedule shall require the superintendent of public instruction to:

22 (a) Conduct the update of the record check of every individual who
23 has a certificate or permit within four years of the effective date of
24 this section; and

25 (b) Conduct subsequent updates on individuals on a biennial basis.

26 **Sec. 31.** RCW 28A.400.303 and 1992 c 159 s 2 are each amended to
27 read as follows:

28 (1) School districts, educational service districts, and their
29 contractors hiring employees who will have regularly scheduled
30 unsupervised access to children shall require a record check through
31 the Washington state patrol criminal identification system (~~under RCW~~
32 ~~43.43.830 through 43.43.834, 10.97.030, and 10.97.050~~) and (~~through~~)
33 the federal bureau of investigation before hiring an employee. The
34 record check shall include a fingerprint check using a complete
35 Washington state criminal identification fingerprint card. The
36 requesting entity shall provide a copy of the record report to the
37 applicant.

1 (2) Notwithstanding any other provision or qualification, the
2 school district, educational service district, and their contractors
3 hiring employees:

4 (a) Shall deny employment to any applicant if the applicant's
5 record check reveals a conviction for any offense in section 5(2) of
6 this act; and

7 (b) May deny employment to any applicant if the applicant's record
8 check reveals a conviction for any offense in section 5 (3) or (4) of
9 this act, or adopted under section 26 of this act.

10 (3) When necessary, an applicant((s)) may be employed on a
11 conditional basis pending completion of the national investigation
12 after the applicant has completed the state record check.

13 (4) If the applicant has had a record check within the previous two
14 years, the district or contractor may waive the requirement.

15 (5) The district, pursuant to chapter 41.59 or 41.56 RCW, or
16 contractor hiring the employee shall determine who shall pay costs
17 associated with the record check.

18 **Sec. 32.** RCW 28A.400.320 and 1990 c 33 s 383 are each amended to
19 read as follows:

20 (1) The school district board of directors shall immediately
21 terminate the employment of any classified employee who has contact
22 with children during the course of his or her employment upon a guilty
23 plea or conviction ~~((of any felony crime involving the physical neglect~~
24 ~~of a child under chapter 9A.42 RCW, the physical injury or death of a~~
25 ~~child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations~~
26 ~~under chapter 46.61 RCW), sexual exploitation of a child under chapter~~
27 ~~9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the~~
28 ~~victim, promoting prostitution of a minor under chapter 9A.88 RCW, the~~
29 ~~sale or purchase of a minor child under RCW 9A.64.030, or violation of~~
30 ~~similar laws of another jurisdiction)) for any offense in section 5(2)
31 of this act and may terminate the employment of any classified employee
32 upon a guilty plea or conviction for any offense in section 5 (3) or
33 (4) of this act, or adopted under section 26 of this act.~~

34 (2) The employee shall have a right of appeal under chapter 28A.645
35 RCW including any right of appeal under a collective bargaining
36 agreement.

1 **Sec. 33.** RCW 28A.400.330 and 1989 c 320 s 4 are each amended to
2 read as follows:

3 The school district board of directors shall include in any
4 contract for services with an entity or individual other than an
5 employee of the school district a provision requiring the contractor to
6 prohibit any employee of the contractor from working at a public school
7 who has contact with children at a public school during the course of
8 his or her employment and who has pled guilty to or been convicted of
9 (~~any felony crime involving the physical neglect of a child under~~
10 ~~chapter 9A.42 RCW, the physical injury or death of a child under~~
11 ~~chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under~~
12 ~~chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A~~
13 ~~RCW, sexual offenses under chapter 9A.44 RCW where a minor is the~~
14 ~~victim, promoting prostitution of a minor under chapter 9A.88 RCW, the~~
15 ~~sale or purchase of a minor child under RCW 9A.64.030, or violation of~~
16 ~~similar laws of another jurisdiction)) any offense in section 5(2) of
17 this act and may terminate the employment of any classified employee
18 upon a guilty plea or conviction for any offense in section 5 (3) or
19 (4) of this act, or adopted under section 26 of this act. The contract
20 shall also contain a provision that any failure to comply with this
21 section shall be grounds for the school district immediately
22 terminating the contract.~~

23 **Sec. 34.** RCW 28A.410.090 and 1996 c 126 s 2 are each amended to
24 read as follows:

25 (1) Any certificate or permit authorized under the provisions of
26 this chapter, chapter 28A.405 RCW, or rules promulgated thereunder may
27 be revoked or suspended by the authority authorized to grant the same
28 based upon a criminal records report authorized by law, or upon the
29 complaint of any school district superintendent, educational service
30 district superintendent, or private school administrator for
31 immorality, violation of written contract, unprofessional conduct,
32 intemperance, or crime against the law of the state.

33 If the superintendent of public instruction has reasonable cause to
34 believe that an alleged violation of this chapter or rules adopted
35 under it has occurred, but no complaint has been filed pursuant to this
36 chapter, and that a school district superintendent, educational service
37 district superintendent, or private school administrator has sufficient
38 notice of the alleged violation and opportunity to file a complaint,

1 the superintendent of public instruction may cause an investigation to
2 be made of the alleged violation, together with such other matters that
3 may be disclosed in the course of the investigation related to
4 certificated personnel.

5 (2) Any such certificate or permit authorized under this chapter or
6 chapter 28A.405 RCW shall be revoked by the authority authorized to
7 grant the certificate upon a guilty plea or the conviction ((of any
8 felony crime involving the physical neglect of a child under chapter
9 9A.42 RCW, the physical injury or death of a child under chapter 9A.32
10 or 9A.36 RCW (excepting motor vehicle violations under chapter 46.61
11 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual
12 offenses under chapter 9A.44 RCW where a minor is the victim, promoting
13 prostitution of a minor under chapter 9A.88 RCW, the sale or purchase
14 of a minor child under RCW 9A.64.030, or violation of similar laws of
15 another jurisdiction)) for any offense in section 7(2) of this act and
16 may be revoked upon a guilty plea or conviction for any offense in
17 section 7(3) of this act or adopted under section 29 of this act. The
18 person whose certificate is in question shall be given an opportunity
19 to be heard. ((Mandatory permanent revocation upon a guilty plea or
20 the conviction of felony crimes specified under this subsection shall
21 apply to such convictions or guilty pleas which occur after July 23,
22 1989. Revocation of any certificate or permit authorized under this
23 chapter or chapter 28A.405 RCW for a guilty plea or criminal conviction
24 occurring prior to July 23, 1989, shall be subject to the provisions of
25 subsection (1) of this section.))

26 **Sec. 35.** RCW 28A.410.110 and 1990 c 33 s 410 are each amended to
27 read as follows:

28 In case any certificate or permit authorized under this chapter or
29 chapter 28A.405 RCW is revoked, the holder shall not be eligible to
30 receive another certificate or permit for a period of twelve months
31 after the date of revocation. However, if the certificate or permit
32 authorized under this chapter or chapter 28A.405 RCW was revoked
33 because of a guilty plea or ((the)) conviction ((of a felony crime
34 involving the physical neglect of a child under chapter 9A.42 RCW, the
35 physical injury or death of a child under chapter 9A.32 or 9A.36 RCW
36 (except motor vehicle violations under chapter 46.61 RCW), sexual
37 exploitation of a child under chapter 9.68A RCW, sexual offenses under
38 chapter 9A.44 RCW where a minor is the victim, promoting prostitution

1 of a minor under chapter 9A.88 RCW, the sale or purchase of a minor
2 child under RCW 9A.64.030, or violation of similar laws of another
3 jurisdiction)) for any offense in section 7(2) of this act, the
4 certificate or permit shall not be reinstated.

5 **Sec. 36.** RCW 28A.405.470 and 1990 c 33 s 405 are each amended to
6 read as follows:

7 The school district shall immediately terminate the employment of
8 any person whose certificate or permit authorized under chapter 28A.405
9 or 28A.410 RCW is subject to revocation under RCW 28A.410.090(2) upon
10 a guilty plea or conviction (~~of any felony crime involving the~~
11 ~~physical neglect of a child under chapter 9A.42 RCW, the physical~~
12 ~~injury or death of a child under chapter 9A.32 or 9A.36 RCW (except~~
13 ~~motor vehicle violations under chapter 46.61 RCW), sexual exploitation~~
14 ~~of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44~~
15 ~~RCW where a minor is the victim, promoting prostitution of a minor~~
16 ~~under chapter 9A.88 RCW, the sale or purchase of a minor child under~~
17 ~~RCW 9A.64.030, or violation of similar laws of another jurisdiction))
18 for any offense in section 5(2) of this act and may terminate the
19 employment upon a guilty plea or conviction for any offense in section
20 5 (3) or (4) of this act or adopted under section 26 of this act.
21 Employment shall remain terminated unless the employee successfully
22 prevails on appeal. This section shall only apply to employees holding
23 a certificate or permit who have contact with children during the
24 course of their employment.~~

25 **Sec. 37.** RCW 28A.195.010 and 1993 c 336 s 1101 are each amended to
26 read as follows:

27 The legislature hereby recognizes that private schools should be
28 subject only to those minimum state controls necessary to insure the
29 health and safety of all the students in the state and to insure a
30 sufficient basic education to meet usual graduation requirements. The
31 state, any agency or official thereof, shall not restrict or dictate
32 any specific educational or other programs for private schools except
33 as hereinafter in this section provided.

34 Principals of private schools or superintendents of private school
35 districts shall file each year with the state superintendent of public
36 instruction a statement certifying that the minimum requirements
37 hereinafter set forth are being met, noting any deviations. After

1 review of the statement, the state superintendent will notify schools
2 or school districts of those deviations which must be corrected. In
3 case of major deviations, the school or school district may request and
4 the state board of education may grant provisional status for one year
5 in order that the school or school district may take action to meet the
6 requirements. Minimum requirements shall be as follows:

7 (1) The minimum school year for instructional purposes shall
8 consist of no less than one hundred eighty school days or the
9 equivalent in annual minimum program hour offerings as prescribed in
10 RCW 28A.150.220.

11 (2) The school day shall be the same as that required in RCW
12 28A.150.030 and 28A.150.220, except that the percentages of total
13 program hour offerings as prescribed in RCW 28A.150.220 for basic
14 skills, work skills, and optional subjects and activities shall not
15 apply to private schools or private sectarian schools.

16 (3) All classroom teachers shall hold appropriate Washington state
17 certification except as follows:

18 (a) Teachers for religious courses or courses for which no
19 counterpart exists in public schools shall not be required to obtain a
20 state certificate to teach those courses.

21 (b) In exceptional cases, people of unusual competence but without
22 certification may teach students so long as a certified person
23 exercises general supervision. Annual written statements shall be
24 submitted to the office of the superintendent of public instruction
25 reporting and explaining such circumstances.

26 (4) An approved private school may operate an extension program for
27 parents, guardians, or persons having legal custody of a child to teach
28 children in their custody. The extension program shall require at a
29 minimum that:

30 (a) The parent, guardian, or custodian be under the supervision of
31 an employee of the approved private school who is certified under
32 chapter 28A.410 RCW;

33 (b) The planning by the certified person and the parent, guardian,
34 or person having legal custody include objectives consistent with this
35 subsection and subsections (1), (2), (5), (6), and (7) of this section;

36 (c) The certified person spend a minimum average each month of one
37 contact hour per week with each student under his or her supervision
38 who is enrolled in the approved private school extension program;

1 (d) Each student's progress be evaluated by the certified person;
2 and

3 (e) The certified employee shall not supervise more than thirty
4 students enrolled in the approved private school's extension program.

5 (5) Appropriate measures shall be taken to safeguard all permanent
6 records against loss or damage.

7 (6) The physical facilities of the school or district shall be
8 adequate to meet the program offered by the school or district:
9 PROVIDED, That each school building shall meet reasonable health and
10 fire safety requirements. However, the state board shall not require
11 private school students to meet the student learning goals, obtain a
12 certificate of mastery to graduate from high school, to master the
13 essential academic learning requirements, or to be assessed pursuant to
14 RCW 28A.630.885. However, private schools may choose, on a voluntary
15 basis, to have their students master these essential academic learning
16 requirements, take these assessments, and obtain certificates of
17 mastery. A residential dwelling of the parent, guardian, or custodian
18 shall be deemed to be an adequate physical facility when a parent,
19 guardian, or person having legal custody is instructing his or her
20 child under subsection (4) of this section.

21 (7) Private school curriculum shall include instruction of the
22 basic skills of occupational education, science, mathematics, language,
23 social studies, history, health, reading, writing, spelling, and the
24 development of appreciation of art and music, all in sufficient units
25 for meeting state board of education graduation requirements.

26 (8) Each school or school district shall be required to maintain
27 up-to-date policy statements related to the administration and
28 operation of the school or school district.

29 (9) All employees hired after the effective date of this section
30 who will have regularly scheduled unsupervised access to children are
31 subject to the record check requirements in RCW 28A.400.303 and section
32 27 of this act.

33 All decisions of policy, philosophy, selection of books, teaching
34 material, curriculum, except as provided in subsection (7) above
35 (~~provided~~), school rules and administration, or other matters not
36 specifically referred to in this section, shall be the responsibility
37 of the administration and administrators of the particular private
38 school involved.

1 **Sec. 38.** RCW 9.96A.020 and 1993 c 71 s 1 are each amended to read
2 as follows:

3 (1) ~~((Subject to the exceptions in subsections (3) and (4) of this~~
4 ~~section, and unless there is another)) Except as provided in section 30~~
5 ~~of this act and any other provision of law to the contrary, ((a)) no~~
6 ~~person is ((not)) disqualified from employment by the state of~~
7 ~~Washington or any of its counties, cities, towns, municipal~~
8 ~~corporations, or quasi-municipal corporations, nor is a person~~
9 ~~disqualified to practice, pursue or engage in any occupation, trade,~~
10 ~~vocation, or business for which a license, permit, certificate or~~
11 ~~registration is required to be issued by the state of Washington or any~~
12 ~~of its counties, cities, towns, municipal corporations, or~~
13 ~~quasi-municipal corporations solely because of a prior conviction of a~~
14 ~~felony. ((However,)) This section does not preclude the fact of any~~
15 ~~prior conviction of a crime from being considered.~~

16 (2) In addition to the disqualifications in sections 5, 7, and 29
17 of this act, a person may be denied employment by the state of
18 Washington or any of its counties, cities, towns, municipal
19 corporations, or quasi-municipal corporations, or a person may be
20 denied a license, permit, certificate or registration to pursue,
21 practice or engage in an occupation, trade, vocation, or business by
22 reason of the prior conviction of a felony if the felony for which he
23 or she was convicted directly relates to the position of employment
24 sought or to the specific occupation, trade, vocation, or business for
25 which the license, permit, certificate or registration is sought, and
26 the time elapsed since the conviction is less than ten years.

27 ~~((3) A person is disqualified for any certificate required or~~
28 ~~authorized under chapters 28A.405 or 28A.410 RCW, because of a prior~~
29 ~~guilty plea or the conviction of a felony involving sexual exploitation~~
30 ~~of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44~~
31 ~~RCW where a minor is the victim, promoting prostitution of a minor~~
32 ~~under chapter 9A.88 RCW, or a violation of similar laws of another~~
33 ~~jurisdiction, even if the time elapsed since the guilty plea or~~
34 ~~conviction is ten years or more.~~

35 ~~(4) A person is disqualified from employment by school districts,~~
36 ~~educational service districts, and their contractors hiring employees~~
37 ~~who will have regularly scheduled unsupervised access to children,~~
38 ~~because of a prior guilty plea or conviction of a felony involving~~
39 ~~sexual exploitation of a child under chapter 9.68A RCW, sexual offenses~~

1 under chapter 9A.44 RCW where a minor is the victim, promoting
2 prostitution of a minor under chapter 9A.88 RCW, or a violation of
3 similar laws of another jurisdiction, even if the time elapsed since
4 the guilty plea or conviction is ten years or more.

5 (5) Subsections (3) and (4) of this section only apply to a person
6 applying for a certificate or for employment on or after July 25,
7 1993.)

8 **Sec. 39.** RCW 41.06.150 and 1996 c 319 s 2 are each amended to read
9 as follows:

10 The board shall adopt rules, consistent with the purposes and
11 provisions of this chapter, as now or hereafter amended, and with the
12 best standards of personnel administration, regarding the basis and
13 procedures to be followed for:

14 (1) The reduction, dismissal, suspension, or demotion of an
15 employee;

16 (2) Certification of names for vacancies, including departmental
17 promotions, with the number of names equal to six more names than there
18 are vacancies to be filled, such names representing applicants rated
19 highest on eligibility lists: PROVIDED, That when other applicants
20 have scores equal to the lowest score among the names certified, their
21 names shall also be certified;

22 (3) Examinations for all positions in the competitive and
23 noncompetitive service;

24 (4) Appointments;

25 (5) Training and career development;

26 (6) Probationary periods of six to twelve months and rejections of
27 probationary employees, depending on the job requirements of the class,
28 except that entry level state park rangers shall serve a probationary
29 period of twelve months;

30 (7) Transfers;

31 (8) Sick leaves and vacations;

32 (9) Hours of work;

33 (10) Layoffs when necessary and subsequent reemployment, both
34 according to seniority;

35 (11) Determination of appropriate bargaining units within any
36 agency: PROVIDED, That in making such determination the board shall
37 consider the duties, skills, and working conditions of the employees,
38 the history of collective bargaining by the employees and their

1 bargaining representatives, the extent of organization among the
2 employees, and the desires of the employees;

3 (12) Certification and decertification of exclusive bargaining
4 representatives: PROVIDED, That after certification of an exclusive
5 bargaining representative and upon the representative's request, the
6 director shall hold an election among employees in a bargaining unit to
7 determine by a majority whether to require as a condition of employment
8 membership in the certified exclusive bargaining representative on or
9 after the thirtieth day following the beginning of employment or the
10 date of such election, whichever is the later, and the failure of an
11 employee to comply with such a condition of employment constitutes
12 cause for dismissal: PROVIDED FURTHER, That no more often than once in
13 each twelve-month period after expiration of twelve months following
14 the date of the original election in a bargaining unit and upon
15 petition of thirty percent of the members of a bargaining unit the
16 director shall hold an election to determine whether a majority wish to
17 rescind such condition of employment: PROVIDED FURTHER, That for
18 purposes of this clause, membership in the certified exclusive
19 bargaining representative is satisfied by the payment of monthly or
20 other periodic dues and does not require payment of initiation,
21 reinstatement, or any other fees or fines and includes full and
22 complete membership rights: AND PROVIDED FURTHER, That in order to
23 safeguard the right of nonassociation of public employees, based on
24 bona fide religious tenets or teachings of a church or religious body
25 of which such public employee is a member, such public employee shall
26 pay to the union, for purposes within the program of the union as
27 designated by such employee that would be in harmony with his or her
28 individual conscience, an amount of money equivalent to regular union
29 dues minus any included monthly premiums for union-sponsored insurance
30 programs, and such employee shall not be a member of the union but is
31 entitled to all the representation rights of a union member;

32 (13) Agreements between agencies and certified exclusive bargaining
33 representatives providing for grievance procedures and collective
34 negotiations on all personnel matters over which the appointing
35 authority of the appropriate bargaining unit of such agency may
36 lawfully exercise discretion;

37 (14) Written agreements may contain provisions for payroll
38 deductions of employee organization dues upon authorization by the
39 employee member and for the cancellation of such payroll deduction by

1 the filing of a proper prior notice by the employee with the appointing
2 authority and the employee organization: PROVIDED, That nothing
3 contained herein permits or grants to any employee the right to strike
4 or refuse to perform his or her official duties;

5 (15) Adoption and revision of a comprehensive classification plan
6 for all positions in the classified service, based on investigation and
7 analysis of the duties and responsibilities of each such position.

8 (a) The board shall not adopt job classification revisions or class
9 studies unless implementation of the proposed revision or study will
10 result in net cost savings, increased efficiencies, or improved
11 management of personnel or services, and the proposed revision or study
12 has been approved by the director of financial management in accordance
13 with chapter 43.88 RCW.

14 (b) Beginning July 1, 1995, through June 30, 1997, in addition to
15 the requirements of (a) of this subsection:

16 (i) The board may approve the implementation of salary increases
17 resulting from adjustments to the classification plan during the 1995-
18 97 fiscal biennium only if:

19 (A) The implementation will not result in additional net costs and
20 the proposed implementation has been approved by the director of
21 financial management in accordance with chapter 43.88 RCW;

22 (B) The implementation will take effect on July 1, 1996, and the
23 total net cost of all such actions approved by the board for
24 implementation during the 1995-97 fiscal biennium does not exceed the
25 amounts specified by the legislature specifically for this purpose; or

26 (C) The implementation is a result of emergent conditions.
27 Emergent conditions are defined as emergency situations requiring the
28 establishment of positions necessary for the preservation of the public
29 health, safety, or general welfare, which do not exceed \$250,000 of the
30 moneys identified in section 718(2), chapter 18, Laws of 1995 2nd sp.
31 sess.

32 (ii) The board shall approve only those salary increases resulting
33 from adjustments to the classification plan if they are due to
34 documented recruitment and retention difficulties, salary compression
35 or inversion, increased duties and responsibilities, or inequities.
36 For these purposes, inequities are defined as similar work assigned to
37 different job classes with a salary disparity greater than 7.5 percent.

38 (iii) Adjustments made to the higher education hospital special pay
39 plan are exempt from (b)(i) through (ii) of this subsection.

1 (c) Reclassifications, class studies, and salary adjustments to be
2 implemented during the 1997-99 and subsequent fiscal biennia are
3 governed by (a) of this subsection and RCW 41.06.152;

4 (16) Allocation and reallocation of positions within the
5 classification plan;

6 (17) Adoption and revision of a state salary schedule to reflect
7 the prevailing rates in Washington state private industries and other
8 governmental units but the rates in the salary schedules or plans shall
9 be increased if necessary to attain comparable worth under an
10 implementation plan under RCW 41.06.155 and that, for institutions of
11 higher education and related boards, shall be competitive for positions
12 of a similar nature in the state or the locality in which an
13 institution of higher education or related board is located, such
14 adoption and revision subject to approval by the director of financial
15 management in accordance with the provisions of chapter 43.88 RCW;

16 (18) Increment increases within the series of steps for each pay
17 grade based on length of service for all employees whose standards of
18 performance are such as to permit them to retain job status in the
19 classified service;

20 (19) Providing for veteran's preference as required by existing
21 statutes, with recognition of preference in regard to layoffs and
22 subsequent reemployment for veterans and their surviving spouses by
23 giving such eligible veterans and their surviving spouses additional
24 credit in computing their seniority by adding to their unbroken state
25 service, as defined by the board, the veteran's service in the military
26 not to exceed five years. For the purposes of this section, "veteran"
27 means any person who has one or more years of active military service
28 in any branch of the armed forces of the United States or who has less
29 than one year's service and is discharged with a disability incurred in
30 the line of duty or is discharged at the convenience of the government
31 and who, upon termination of such service has received an honorable
32 discharge, a discharge for physical reasons with an honorable record,
33 or a release from active military service with evidence of service
34 other than that for which an undesirable, bad conduct, or dishonorable
35 discharge shall be given: PROVIDED, HOWEVER, That the surviving spouse
36 of a veteran is entitled to the benefits of this section regardless of
37 the veteran's length of active military service: PROVIDED FURTHER,
38 That for the purposes of this section "veteran" does not include any
39 person who has voluntarily retired with twenty or more years of active

1 military service and whose military retirement pay is in excess of five
2 hundred dollars per month;

3 (20) Permitting agency heads to delegate the authority to appoint,
4 reduce, dismiss, suspend, or demote employees within their agencies if
5 such agency heads do not have specific statutory authority to so
6 delegate: PROVIDED, That the board may not authorize such delegation
7 to any position lower than the head of a major subdivision of the
8 agency;

9 (21) Assuring persons who are or have been employed in classified
10 positions before July 1, 1993, will be eligible for employment,
11 reemployment, transfer, and promotion in respect to classified
12 positions covered by this chapter;

13 (22) Affirmative action in appointment, promotion, transfer,
14 recruitment, training, and career development; development and
15 implementation of affirmative action goals and timetables; and
16 monitoring of progress against those goals and timetables; and

17 (23) Background checks under chapter 70.-- RCW (sections 1 through
18 25 and 47 of this act).

19 The board shall consult with the human rights commission in the
20 development of rules pertaining to affirmative action. The department
21 of personnel shall transmit a report annually to the human rights
22 commission which states the progress each state agency has made in
23 meeting affirmative action goals and timetables.

24 **Sec. 40.** RCW 18.130.040 and 1996 c 200 s 32 and 1996 c 81 s 5 are
25 each reenacted and amended to read as follows:

26 (1) This chapter applies only to the secretary and the boards and
27 commissions having jurisdiction in relation to the professions licensed
28 under the chapters specified in this section. This chapter does not
29 apply to any business or profession not licensed under the chapters
30 specified in this section.

31 (2)(a) The secretary has authority under this chapter in relation
32 to the following professions:

33 (i) Dispensing opticians licensed under chapter 18.34 RCW;

34 (ii) Naturopaths licensed under chapter 18.36A RCW;

35 (iii) Midwives licensed under chapter 18.50 RCW;

36 (iv) Ocularists licensed under chapter 18.55 RCW;

37 (v) Massage operators and businesses licensed under chapter 18.108
38 RCW;

1 (vi) Dental hygienists licensed under chapter 18.29 RCW;
2 (vii) Acupuncturists licensed under chapter 18.06 RCW;
3 (viii) Radiologic technologists certified and X-ray technicians
4 registered under chapter 18.84 RCW;
5 (ix) Respiratory care practitioners certified under chapter 18.89
6 RCW;
7 (x) Persons registered or certified under chapter 18.19 RCW;
8 (xi) Persons registered as nursing pool operators under chapter
9 18.52C RCW;
10 (xii) Nursing assistants registered or certified under chapter
11 18.79 RCW;
12 (xiii) Health care assistants certified under chapter 18.135 RCW;
13 (xiv) Dietitians and nutritionists certified under chapter 18.138
14 RCW;
15 (xv) Sex offender treatment providers certified under chapter
16 18.155 RCW;
17 (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW
18 18.71.205;
19 (xvii) Persons registered as adult family home providers and
20 resident managers under RCW 18.48.020; and
21 (xviii) Denturists licensed under chapter 18.30 RCW.
22 (b) The boards and commissions having authority under this chapter
23 are as follows:
24 (i) The podiatric medical board as established in chapter 18.22
25 RCW;
26 (ii) The chiropractic quality assurance commission as established
27 in chapter 18.25 RCW;
28 (iii) The dental quality assurance commission as established in
29 chapter 18.32 RCW;
30 (iv) The board of hearing and speech as established in chapter
31 18.35 RCW;
32 (v) The board of examiners for nursing home administrators as
33 established in chapter 18.52 RCW;
34 (vi) The optometry board as established in chapter 18.54 RCW
35 governing licenses issued under chapter 18.53 RCW;
36 (vii) The board of osteopathic medicine and surgery as established
37 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
38 18.57A RCW;

1 (viii) The board of pharmacy as established in chapter 18.64 RCW
2 governing licenses issued under chapters 18.64 and 18.64A RCW;

3 (ix) The medical quality assurance commission as established in
4 chapter 18.71 RCW governing licenses and registrations issued under
5 chapters 18.71 and 18.71A RCW;

6 (x) The board of physical therapy as established in chapter 18.74
7 RCW;

8 (xi) The board of occupational therapy practice as established in
9 chapter 18.59 RCW;

10 (xii) The nursing care quality assurance commission as established
11 in chapter 18.79 RCW governing licenses issued under that chapter;

12 (xiii) The examining board of psychology and its disciplinary
13 committee as established in chapter 18.83 RCW; and

14 (xiv) The veterinary board of governors as established in chapter
15 18.92 RCW.

16 (3) In addition to the authority to discipline license holders, the
17 disciplining authority has the authority to grant or deny licenses
18 based on the conditions and criteria established in this chapter
19 (~~and~~), the chapters specified in subsection (2) of this section, and
20 sections 14 and 15 of this act. This chapter also governs any
21 investigation, hearing, or proceeding relating to denial of licensure
22 or issuance of a license conditioned on the applicant's compliance with
23 an order entered pursuant to RCW 18.130.160 by the disciplining
24 authority.

25 (4) All disciplining authorities shall adopt procedures to ensure
26 substantially consistent application of this chapter, the Uniform
27 Disciplinary Act, among the disciplining authorities listed in
28 subsection (2) of this section.

29 NEW SECTION. Sec. 41. A new section is added to chapter 2.04 RCW
30 to read as follows:

31 If the court reaches a final determination of a criminal appeal and
32 the determination results in a dismissal, reversal, or vacation of a
33 conviction, the court shall furnish notice of its determination to the
34 identification section of the Washington state patrol.

35 NEW SECTION. Sec. 42. A new section is added to chapter 2.06 RCW
36 to read as follows:

1 If the court reaches a final determination of a criminal appeal and
2 the determination results in a dismissal, reversal, or vacation of a
3 conviction, the court shall furnish notice of its determination to the
4 identification section of the Washington state patrol.

5 NEW SECTION. **Sec. 43.** A new section is added to chapter 28A.410
6 RCW to read as follows:

7 Chapter 70.-- RCW (sections 1 through 25 and 47 of this act)
8 applies to applicants for certification under this chapter.

9 NEW SECTION. **Sec. 44.** This act does not apply to offenders
10 employed or volunteering while incarcerated in a state correctional
11 institution.

12 NEW SECTION. **Sec. 45.** The state patrol shall examine the
13 feasibility and costs associated with creating a reliable,
14 electronically available data base for storing and disseminating
15 background check information regarding those civil adjudications, court
16 orders, and administrative decisions that are required to be reported
17 to the state patrol under this act. The state patrol shall prepare a
18 report of the results of its examination and submit the report to the
19 governor and the legislature no later than January 1, 1998. All
20 agencies required to report information to the state patrol shall
21 cooperate in the examination, and the state patrol shall consult
22 regularly with the agencies during its examination and report
23 preparation.

24 NEW SECTION. **Sec. 46.** The following acts or parts of acts are
25 each repealed:

26 (1) RCW 41.06.475 and 1993 c 281 s 38 & 1986 c 269 s 2;

27 (2) RCW 43.43.815 and 1995 c 169 s 1 & 1982 c 202 s 1;

28 (3) RCW 43.43.832 and 1995 c 250 s 2, 1993 c 281 s 51, & 1990 c 3
29 s 1102;

30 (4) RCW 43.43.834 and 1990 c 3 s 1103;

31 (5) RCW 43.43.838 and 1995 c 29 s 1, 1992 c 159 s 7, & 1990 c 3 s
32 1104; and

33 (6) RCW 43.43.842 and 1992 c 104 s 1 & 1989 c 334 s 11.

1 NEW SECTION. **Sec. 47.** CAPTIONS NOT LAW. Captions used in this
2 chapter are not any part of the law.

3 NEW SECTION. **Sec. 48.** Sections 1 through 25 and 47 of this act
4 constitute a new chapter in Title 70 RCW.

5 NEW SECTION. **Sec. 49.** This act takes effect July 1, 1998.

6 NEW SECTION. **Sec. 50.** If any provision of this act or its
7 application to any person or circumstance is held invalid, the
8 remainder of the act or the application of the provision to other
9 persons or circumstances is not affected.

--- END ---