

HOUSE BILL REPORT

HB 1990

As Reported By House Committee On:

Health Care

Title: An act relating to criminal history background checks for potential state employees and contractors.

Brief Description: Concerning background checks for certain potential state employees.

Sponsors: Representatives Cody, Ballasiotes, Schual-Berke, Kenney, Keiser and Veloria; by request of Department of Social and Health Services.

Brief History:

Committee Activity:

Health Care: 2/25/99, 3/1/99 [DPS].

Brief Summary of Substitute Bill

- Requires that criminal history background checks be conducted on prospective state employees and state contractors in positions working with unsupervised access to children, developmentally disabled persons, and vulnerable adults.

HOUSE COMMITTEE ON HEALTH CARE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Edwards; Mulliken and Ruderman.

Staff: Antonio Sanchez (786-7383).

Background:

The Department of Social and Health Services (DSHS) investigates the background of any person applying for a license to operate an agency that cares for, supervises, or treats vulnerable adults, children or the developmentally disabled. Background checks of applicants for employment with these agencies are also conducted. The checks are

made through the Washington State Patrol's (WSP) database. Investigations examine the individual's history for:

- Convictions for offenses against children or other persons;
- Convictions for crimes relating to financial exploitation of a vulnerable adult;
- Findings of child abuse in a civil action;
- Issuance of a protection order for a vulnerable adult; and
- Disciplinary board final decisions.

Background checks are conducted on the following employees:

- Physicians, nurses, nurse aides, health care technicians, social workers;
- Providers of home health, hospice, and state funded in-home care providers;
- School teachers, teachers aides, school bus drivers, custodians;
- Facility administrators, administrators, providers, owners, board members, resident managers;
- Administrative support, cooks, housekeeping, staff;
- Child care providers, workers, foster grandparents, foster parents; and
- Case managers, volunteers, and student interns.

The facilities covered under vulnerable protection laws include nursing homes, boarding homes, child care facilities, developmentally disabled care facilities, and facilities for the mentally ill. Checks are also conducted on providers of in-home services for the physically disabled, mentally ill, mentally impaired, and developmentally disabled. Employees of both in-home services providers and facilities may be employed conditionally while a background check is pending.

Background checks are conducted by the DSHS through a link with the WSP's database. The actual background check of an applicant by the department takes less than a week, but applications may be delayed at the regional licensing office for longer. If a background investigation involves checking the thumb print of an individual, a request must be made to the WSP, which may take much longer to respond.

Current criminal history background checks that are required for state employees only apply to those who provide direct care, treatment, and supervision of these populations. Area Agency on Aging employees such as social workers, financial eligibility specialists, or case management contractors, do not provide direct care, however, may have unsupervised access to clients but are not currently required to have a background check.

Summary of Substitute Bill:

Requires that criminal history background checks be conducted on prospective state employees and state contractors in positions working with unsupervised access to children, developmentally disabled persons, and vulnerable adults. An emergency is declared.

Substitute Bill Compared to Original Bill: Clarification is provided that specified that only workers that have unsupervised access must receive background checks.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: (original bill) This will close a loophole in current law that allows some state workers and Area Agency on Aging employees to not receive background checks and adds further protections for vulnerable persons receiving services from the state.

Testimony Against: None.

Testified: Kathy Leitch, Department of Social & Health Services; and Betty Jankus, Senior Citizen Lobby.