

# FINAL BILL REPORT

## 2SHB 2637

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### PARTIAL VETO

C 87 L 00

Synopsis as Enacted

**Brief Description:** Requiring background checks on persons who will be in contact with vulnerable adults.

**Sponsors:** By House Committee on Appropriations (originally sponsored by Representatives Tokuda, Conway, Cody, Schual-Berke, McIntire, Campbell, Rockefeller, Kenney, Haigh, O'Brien, Kagi, Hurst, Anderson and Van Luven; by request of Department of Social and Health Services).

**House Committee on Children & Family Services**

**House Committee on Appropriations**

**Senate Committee on Human Services & Corrections**

#### **Background:**

The Department of Social and Health Services investigates the background of most people coming in contact with vulnerable adults, children, and the developmentally disabled. Persons subject to background checks include those applying for a license to operate an agency that cares for, supervises, or treats vulnerable adults, children, or the developmentally disabled and applicants for employment with these agencies, who come in direct contact with children and the developmentally disabled. In addition, individuals or businesses that provide care, supervision, or treatment of vulnerable adults, children, and the developmentally disabled under a state contract, must undergo a background check.

The department conducts these background checks through the Washington State Patrol's database. The investigation examines the individual's history for convictions for offenses against children or other persons, convictions for crimes relating to the financial exploitation of a vulnerable adult, findings of child abuse in a civil action, issuance of a protective order for a vulnerable adult, and disciplinary boards' final decisions.

The Washington State Patrol also performs background checks directly. It may disclose to any business, organization, or individual, who provides services to vulnerable adults and children, the relevant background of persons applying for employment.

#### **Summary of Bill:**

Changes are made in the background check requirements for persons having access to children, vulnerable adults, the developmentally disabled, the mentally ill, and expectant mothers.

Applicants for state positions. Background checks are required of persons applying for state positions involving unsupervised access to vulnerable adults to perform assessments, eligibility determinations, licensing and certification, investigations, surveys, or case management. Persons being considered for state employment in a position that is directly responsible for the supervision, care, or treatment of vulnerable adults must also undergo a background check. Background checks will also be conducted for such positions when required by federal law.

Contracting for case management. When the state enters into a contract with a business, individual, or organization for case management, the state must conduct a background check.

Payment for in-home care. A criminal history check is required when the state issues payment to the individual provider or home care agency for in-home care involving unsupervised access to persons with physical, mental, or developmental disabilities, or mental illness, or to a vulnerable adult. An individual provider or home care agency provider that has been in Washington less than three years is required to be fingerprinted for the state and federal criminal history check. If the in-home service is funded by the medicaid personal care program, the community options program entry system waiver services, or chore services, the providers must not have a conviction of a crime against children or other persons, a crime relating to drugs or a crime relating to financial exploitation, or an adverse disciplinary board final decision.

Timing. All state background checks must be completed within one month. If the federal bureau of investigation check is also required, provisional approval to hire pending the results of the federal check may be given for up to 180 days based on an applicant's state background check.

State registry. The state registry for personal aides against whom there have been substantial findings of abuse, neglect, financial exploitation or abandonment of a vulnerable adult providing long-term care under the long-term care options statutes is eliminated.

**Votes on Final Passage:**

House 97 0  
Senate 43 0 (Senate amended)  
House 98 0 (House concurred)

**Effective:** June 8, 2000

**Partial Veto Summary:** The state registry for personal aides against whom there have been substantiated findings of abuse, neglect, financial exploitation or abandonment of a vulnerable adult is reinstated.