

**WAC 388-825-600 What definitions apply to WAC 388-825-600 through 388-825-690 of this chapter?** The following definitions apply to WAC 388-825-600 through 388-825-690 of this chapter:

**"Agency"** means any agency of the state or any private agency providing services to individuals with developmental disabilities.

**"Authorized"** or **"authorization"** means not disqualified by the department to have unsupervised access to children and individuals with a developmental disability. This term applies to persons who are certified or contracted by the department, allowed to receive payments from department funded programs, or who volunteer with department funded programs.

**"Background check central unit (BCCU)"** means the DSHS program responsible for conducting background checks for DSHS administrations.

**"Certification"** means department approval of an entity that does not legally need to be licensed indicating that the entity nevertheless meets minimum licensing requirements.

**"Civil adjudication proceeding"** is a judicial or administrative adjudicative proceeding that results in a finding of, or upholds an agency finding of, domestic violence, abuse, sexual abuse, neglect, abandonment, violation of a professional licensing standard regarding a child or vulnerable adult, or exploitation or financial exploitation of a child or vulnerable adult under any provision of law, including but not limited to chapter 13.34, 26.44 or 74.34 RCW, or rules adopted under chapters 18.51 and 74.42 RCW. "Civil adjudication proceeding" also includes judicial or administrative findings that become final due to the failure of the alleged perpetrator to timely exercise a legal right to administratively challenge such findings.

**"Community residential service businesses"** include all developmental disabilities administration supported living providers with the exception of supported living providers who are also licensed as an assisted living facility or adult family home. Community residential service providers also include DDA companion homes, DDA alternative living and licensed residential homes for children.

**"DDA"** means the developmental disabilities administration within the department of social and health services (DSHS).

**"Department"** means the department of social and health services (DSHS).

**"Disqualified"** means that the results of an individual's background check disqualifies him or her from a position which will or may involve unsupervised access to individuals with developmental disabilities.

**"Entity"** means, but is not limited to, a licensed facility, a corporation, a partnership, a sole proprietorship, or a contracted or certified service provider.

**"Hire"** means engagement by an agency, entity or a hiring individual to perform specific agreed duties as a paid employee, a contract employee, a volunteer, or a student intern.

**"Individual provider"** has the same meaning as defined in RCW 74.39A.240.

**"Individuals with a developmental disability"** means individuals who meet eligibility requirements in Title 71A RCW as further defined in chapter 388-823 WAC.

**"Long-term care worker"** has the same meaning as defined in RCW 74.39A.009.

**"Permanent restraining order"** means a restraining order/order of protection issued either following a hearing, or by stipulation of the

parties. A "permanent" order may be in force for a specific time period (e.g. 1 year), after which it expires.

**"Qualified"** means an individual can be hired into a position that includes unsupervised access to individuals with developmental disabilities because the results of his or her background check are not disqualifying.

**"Temporary restraining order"** means restraining order/order of protection that expired without a hearing, was dismissed following an initial hearing, or was dismissed by stipulation of the parties in lieu of an initial hearing."

**"Unsupervised"** means not in the presence of:

(1) The licensee, another employee or volunteer from the same business or organization as the applicant who has not been disqualified by the background check.

(2) Any relative or guardian of the individual with a developmental disability to whom the applicant has access during the course of his or her employment or involvement with the business or organization (RCW 43.43.080(9)).

**"WSP"** refers to the Washington state patrol.

[Statutory Authority: RCW 71A.12.030, 74.08.090. WSR 15-09-068, amended and recodified as § 388-825-600, filed 4/15/15, effective 5/16/15. Statutory Authority: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710. WSR 14-14-029, § 388-825-0600, filed 6/24/14, effective 7/25/14.]