

HOUSE BILL ANALYSIS

SSB 6401

Brief Description: Protecting vulnerable adults.

Sponsors: Senate Committee on Health & Long-Term Care (originally sponsored by Senators Kohl-Welles, Costa, Hargrove, Winsley, Rasmussen and McAuliffe; by request of Governor Locke).

Hearing: February 23, 2000.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

BACKGROUND:

Under current law, the Department of Social and Health Services (DSHS) is required to seek criminal background information from any employee or potential employee, contracted individual, or employee of a licensed agency or facility, who is directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults. These include individuals who are paid by the state for in-home services and hired by individuals with physical disabilities, developmental disabilities, mental illness or mental impairment.

Background checks disclose convictions for crimes against children or other persons, financial exploitation of vulnerable persons, civil findings of child abuse, any protection orders against the applicant, disciplinary board final decisions, and criminal charges filed subsequent to a disciplinary board final decision.

Individuals listed above who are found to have committed these offenses are permanently disqualified from employment. If individuals contract with providers who have criminal backgrounds, DSHS is authorized to withhold payment.

The Washington State Patrol maintains a fingerprint database of felony arrests and the outcomes of those arrests for offenses committed in Washington State. Access to national conviction data from the Federal Bureau of Investigation (FBI) is regulated by federal law.

In 1999, the Legislature authorized DSHS to establish, by rule, a registry of persons who serve as personal care aides– for people with functional disabilities under contract with the department. The department maintains a registry of nurse aides who work in nursing homes. Their qualifications and any negative history is registered there. Currently, this program does not extend to other care settings, including in-home care, adult family homes and boarding homes.

SUMMARY OF BILL:

The department is directed to seek both a federal and state background check on any individual provider or home care agency provider who has lived in Washington State less than three years and whose employment allows for unsupervised access to a vulnerable adult. Drug-related crimes are added to the list of disqualifying crimes. These include a drug conviction related to the manufacture, delivery or possession with intent to manufacture or deliver a controlled substance.

The personal care aide registry is repealed. Due process provisions for that registry are also repealed.

FISCAL NOTE: Requested on February 17, 2000.

EFFECTIVE DATE: Ninety days after adjournment of a session in which bill is passed.