
Health Care Committee

HB 2431

Brief Description: Requiring background checks on persons licensed as health care professionals.

Sponsors: Representatives Campbell, Morrell, Ericks, Moeller, Springer, B. Sullivan, Simpson, Green, Sells, O'Brien and Lantz.

Brief Summary of Bill

- Requires the Department of Health to conduct background checks on all applicants for initial licenses to practice a health profession.
- Requires the Department of Health to review federal health care provider data banks for any actions taken against health care providers licensed in Washington.

Hearing Date: 1/24/06

Staff: Chris Blake (786-7392).

Background:

In 2000, the Department of Health (Department) and the Department of Social and Health Services released a report on the issue of using criminal background checks as a requirement for obtaining a credential to practice as a health care provider. The report recommended that the Department conduct in-state background checks on new applicants for health care credentials. The Department began conducting background checks on new applicants and during the 2001-03 biennium, it conducted 85,028 background checks. Four percent of these had criminal convictions in Washington State.

In 2004, the Legislature enacted ESHB 2556 which created the Joint Task Force on Criminal Background Check Processes (Task Force). Last session the duration of the Task Force was extended through December 2005. Among the preliminary recommendations considered by the Task Force were to require all school employees to have background checks as well as supporting fingerprint-based checks on all child care workers and foster parents.

The federal government maintains two data banks that track information related to actions against health care providers. The Healthcare Integrity and Protection Data Bank (HIPDB) collects information on final adverse actions against health care practitioners including civil judgments, criminal convictions, and licensing actions by state agencies. The National Practitioner Data Bank collects information on adverse actions (actions against a license, clinical privileges, professional

society membership, participation in Medicaid or Medicare) against health care practitioners by licensing agencies, health care facilities, professional societies, and medical malpractice payers.

Summary of Bill:

The Department must adopt rules to require applicants for an initial license to practice a health profession to have a background check through the Washington State Patrol (WSP). The rules must also specify those circumstances in which a state background check is inadequate and an electronic fingerprint-based national background check through the WSP and the Federal Bureau of Investigations must be conducted. Such situations include where an applicant has a criminal record in Washington or has recently lived out-of-state. The Department may not issue a license to practice a health profession until a background check on the applicant has been completed. Criminal convictions that constitute unprofessional conduct must be considered when deciding whether or not to issue a license.

The Department must adopt rules to require that all license holders who practice a profession that is subject to either the NPDB or the HIPDB have their credentials regularly checked. The Department shall establish a schedule for conducting the reviews so that license holders are reviewed every four years. After three consecutive reviews of a license holder without a report in either data bank, the Department does not have to perform any further reviews of that individual unless there is probable cause to believe that a review is warranted. License holders also must report any convictions for a criminal offense that constitutes unprofessional conduct to the Department and their employers.

The background checks and the NPDB and HIPDB reviews shall be funded through licensing fees for health care professionals.

Appropriation: None.

Fiscal Note: Requested on January 19, 1006.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed, except that section 1 takes effect July 1, 2007 and section 2 takes effect January 1, 2008.