

SB 5252 - H COMM AMD

By Committee on Human Services, Youth, & Early Learning

ADOPTED AS AMENDED 04/06/2023

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 18.88B.080 and 2012 c 164 s 501 are each amended to
4 read as follows:

5 A long-term care worker disqualified from working with vulnerable
6 persons under chapter 74.39A RCW may not be certified or maintain
7 certification as a home care aide under this chapter. ~~((To allow the
8 department to satisfy its certification responsibilities under this
9 chapter, the department of social and health services shall share the
10 results of state and federal background checks conducted pursuant to
11 RCW 74.39A.056 with the department. Neither department may share the
12 federal background check results with any other state agency or
13 person.))~~

14 **Sec. 2.** RCW 43.43.832 and 2021 c 203 s 1 are each amended to
15 read as follows:

16 (1) The Washington state patrol identification and criminal
17 history section shall disclose conviction records as follows:

18 (a) An applicant's conviction record, upon the request of a
19 business or organization as defined in RCW 43.43.830, a
20 developmentally disabled person, or a vulnerable adult as defined in
21 RCW 43.43.830 or his or her guardian;

22 (b) The conviction record of an applicant for certification, upon
23 the request of the Washington professional educator standards board;

24 (c) Any conviction record to aid in the investigation and
25 prosecution of child, developmentally disabled person, and vulnerable
26 adult abuse cases and to protect children and adults from further
27 incidents of abuse, upon the request of a law enforcement agency, the
28 office of the attorney general, prosecuting authority, or the
29 department of social and health services; and

1 (d) A prospective client's or resident's conviction record, upon
2 the request of a business or organization that qualifies for
3 exemption under section 501(c)(3) of the internal revenue code of
4 1986 (26 U.S.C. Sec. 501(c)(3)) and that provides emergency shelter
5 or transitional housing for children, persons with developmental
6 disabilities, or vulnerable adults.

7 (2) The secretary of the department of social and health services
8 and the secretary of children, youth, and families must establish
9 rules and set standards to require specific action when considering
10 the information received pursuant to subsection (1) of this section,
11 and when considering additional information including but not limited
12 to civil adjudication proceedings as defined in RCW 43.43.830 and any
13 out-of-state equivalent, in the following circumstances:

14 (a) When considering persons for state employment in positions
15 directly responsible for the supervision, care, or treatment of
16 children, vulnerable adults, or individuals with mental illness or
17 developmental disabilities provided that: For persons residing in a
18 home that will be utilized to provide foster care for dependent
19 youth, a criminal background check will be required for all persons
20 aged sixteen and older and the department of (~~social and health~~
21 ~~services~~) children, youth, and families may require a criminal
22 background check for persons who are younger than sixteen in
23 situations where it may be warranted to ensure the safety of youth in
24 foster care;

25 (b) When considering persons for state positions involving
26 unsupervised access to vulnerable adults to conduct comprehensive
27 assessments, financial eligibility determinations, licensing and
28 certification activities, investigations, surveys, or case
29 management; or for state positions otherwise required by federal law
30 to meet employment standards;

31 (c) When licensing agencies or facilities with individuals in
32 positions directly responsible for the care, supervision, or
33 treatment of children, developmentally disabled persons, or
34 vulnerable adults, including but not limited to agencies or
35 facilities licensed under chapter 74.15 or 18.51 RCW;

36 (d) When contracting with individuals or businesses or
37 organizations for the care, supervision, case management, or
38 treatment, including peer counseling, of children, developmentally
39 disabled persons, or vulnerable adults, including but not limited to

1 services contracted for under chapter 18.20, 70.127, 70.128, 72.36,
2 or 74.39A RCW or Title 71A RCW;

3 (e) When individual providers as defined in RCW 74.39A.240 or
4 providers paid by home care agencies provide in-home services
5 involving unsupervised access to persons with physical, mental, or
6 developmental disabilities or mental illness, or to vulnerable adults
7 as defined in chapter 74.34 RCW, including but not limited to
8 services provided under chapter 74.39 or 74.39A RCW.

9 (3) The secretary of the department of children, youth, and
10 families shall investigate the conviction records, pending charges,
11 and other information including civil adjudication proceeding records
12 of current employees and of any person actively being considered for
13 any position with the department who will or may have unsupervised
14 access to children, or for state positions otherwise required by
15 federal law to meet employment standards. "Considered for any
16 position" includes decisions about (a) initial hiring, layoffs,
17 reallocations, transfers, promotions, or demotions, or (b) other
18 decisions that result in an individual being in a position that will
19 or may have unsupervised access to children as an employee, an
20 intern, or a volunteer.

21 (4) The secretary of the department of children, youth, and
22 families shall adopt rules and investigate conviction records,
23 pending charges, and other information including civil adjudication
24 proceeding records, in the following circumstances:

25 (a) When licensing or certifying agencies with individuals in
26 positions that will or may have unsupervised access to children who
27 are in child day care, in early learning programs, or receiving early
28 childhood education services, including but not limited to licensees,
29 agency staff, interns, volunteers, contracted providers, and persons
30 living on the premises who are sixteen years of age or older;

31 (b) When authorizing individuals who will or may have
32 unsupervised access to children who are in child day care, in early
33 learning programs, or receiving early childhood learning education
34 services in licensed or certified agencies, including but not limited
35 to licensees, agency staff, interns, volunteers, contracted
36 providers, and persons living on the premises who are sixteen years
37 of age or older;

38 (c) When contracting with any business or organization for
39 activities that will or may have unsupervised access to children who

1 are in child day care, in early learning programs, or receiving early
2 childhood learning education services;

3 (d) When establishing the eligibility criteria for individual
4 providers to receive state paid subsidies to provide child day care
5 or early learning services that will or may involve unsupervised
6 access to children; and

7 (e) When responding to a request from an individual for a
8 certificate of parental improvement under chapter 74.13 RCW.

9 (5) Whenever a state conviction record check is required by state
10 law, persons may be employed or engaged as volunteers or independent
11 contractors on a conditional basis pending completion of the state
12 background investigation. Whenever a national criminal record check
13 through the federal bureau of investigation is required by state law,
14 a person may be employed or engaged as a volunteer or independent
15 contractor on a conditional basis pending completion of the national
16 check. The office of financial management shall adopt rules to
17 accomplish the purposes of this subsection as it applies to state
18 employees. The department of social and health services shall adopt
19 rules to accomplish the purpose of this subsection as it applies to
20 long-term care workers subject to RCW 74.39A.056.

21 (6) (a) For purposes of facilitating timely access to criminal
22 background information and to reasonably minimize the number of
23 requests made under this section, recognizing that certain health
24 care providers change employment frequently, health care facilities
25 may, upon request from another health care facility, share copies of
26 completed Washington state criminal background inquiry information.

27 (b) Completed state criminal background inquiry information may
28 be shared by a willing health care facility only if the following
29 conditions are satisfied: The licensed health care facility sharing
30 the state criminal background inquiry information is reasonably known
31 to be the person's most recent employer, no more than twelve months
32 has elapsed from the date the person was last employed at a licensed
33 health care facility to the date of their current employment
34 application, and the state criminal background information is no more
35 than two years old.

36 (c) If state criminal background inquiry information is shared,
37 the health care facility employing the subject of the inquiry must
38 require the applicant to sign a disclosure statement indicating that
39 there has been no conviction or finding as described in RCW 43.43.842

1 since the completion date of the most recent criminal background
2 inquiry.

3 (d) Any health care facility that knows or has reason to believe
4 that an applicant has or may have a disqualifying conviction or
5 finding as described in RCW 43.43.842, subsequent to the completion
6 date of their most recent criminal background inquiry, shall be
7 prohibited from relying on the applicant's previous employer's state
8 criminal background inquiry information. A new state criminal
9 background inquiry shall be requested pursuant to RCW 43.43.830
10 through 43.43.842.

11 (e) Health care facilities that share state criminal background
12 inquiry information shall be immune from any claim of defamation,
13 invasion of privacy, negligence, or any other claim in connection
14 with any dissemination of this information in accordance with this
15 subsection.

16 (f) Health care facilities shall transmit and receive the state
17 criminal background inquiry information in a manner that reasonably
18 protects the subject's rights to privacy and confidentiality.

19 (7) The department of social and health services may not consider
20 any final founded finding of physical abuse or negligent treatment or
21 maltreatment of a child made pursuant to chapter 26.44 RCW that is
22 accompanied by a certificate of parental improvement or dependency as
23 a result of a finding of abuse or neglect pursuant to chapter 13.34
24 RCW that is accompanied by a certificate of parental improvement when
25 evaluating an applicant or employee's character, competency, and
26 suitability pursuant to any background check authorized or required
27 by this chapter, RCW 43.20A.710 or 74.39A.056, or any of the rules
28 adopted thereunder.

29 **Sec. 3.** RCW 43.43.837 and 2022 c 297 s 954 are each amended to
30 read as follows:

31 (1) (~~Except as provided in subsection (2) of this section, in~~)
32 In order to determine the character, competence, and suitability of
33 any applicant or service provider to have unsupervised access to
34 vulnerable adults, children, or juveniles, the secretary of the
35 department of social and health services (~~and the secretary of the~~
36 ~~department of children, youth, and families may require a~~
37 ~~fingerprint-based background check through both the Washington state~~
38 ~~patrol and the federal bureau of investigation at any time, but shall~~
39 ~~require a fingerprint-based background check when the applicant or~~

1 ~~service provider has resided in the state less than three consecutive~~
2 ~~years before application, and)) shall require the applicant or~~
3 ~~service provider to submit fingerprints for the purpose of~~
4 ~~investigating conviction records through both the Washington state~~
5 ~~patrol and the federal bureau of investigation when the applicant or~~
6 ~~service provider:~~

7 (a) ~~((Is an applicant or service provider providing services to~~
8 ~~children or people with developmental disabilities under RCW~~
9 ~~74.15.030;~~

10 (b) ~~Is an individual sixteen years of age or older who: (i) Is~~
11 ~~not under the placement and care authority of the department of~~
12 ~~children, youth, and families; and (ii) resides in an applicant or~~
13 ~~service provider's home, facility, entity, agency, or business or who~~
14 ~~is authorized by the department of children, youth, and families to~~
15 ~~provide services to children under RCW 74.15.030;~~

16 (c) ~~Is an individual who is authorized by the department of~~
17 ~~social and health services to provide services to people with~~
18 ~~developmental disabilities under RCW 74.15.030; or~~

19 (d) ~~Is an applicant or service provider providing in-home~~
20 ~~services funded by:~~

21 ~~(i) Medicaid personal care under RCW 74.09.520;~~

22 ~~(ii) Community options program entry system waiver services under~~
23 ~~RCW 74.39A.030;~~

24 ~~(iii) Chore services under RCW 74.39A.110; or~~

25 ~~(iv) Other)) Has resided in the state less than three consecutive~~
26 ~~years before application and:~~

27 (i) Is a contractor providing services funded by other home and
28 community long-term care programs, established pursuant to chapters
29 71A.12, 74.09, 74.39, and 74.39A RCW, administered by the department
30 of social and health services;

31 (ii) Is an individual who is authorized by the department of
32 social and health services to provide services to people with
33 developmental disabilities under RCW 74.15.030; or

34 (iii) Is applying for employment or is already employed by an
35 area agency on aging or federally recognized Indian tribe, or is an
36 employee of a contractor of an area agency on aging or federally
37 recognized Indian tribe, that will, or may, have unsupervised access
38 to vulnerable adults, children, or juveniles when engaging in the
39 activities described in RCW 74.09.520(5);

1 (b) Is applying for employment or is already employed at any
2 secure facility operated by the department of social and health
3 services under chapter 71.09 RCW;

4 (c) Is applying to be an adult family home licensee, entity
5 representative, or resident manager under chapter 70.128 RCW;

6 (d) Is applying to be an assisted living facility licensee or
7 administrator under chapter 18.20 RCW;

8 (e) Is applying to be an enhanced services facility licensee or
9 administrator under chapter 70.97 RCW;

10 (f) Is applying to be a certified community residential services
11 and supports provider or administrator under chapter 71A.12 RCW; or

12 (g) Has been categorized as a high-risk provider as defined in
13 subsection (10)(f) of this section.

14 (2) Long-term care workers, as defined in RCW 74.39A.009, who are
15 hired after January 7, 2012, are subject to fingerpint-based
16 background checks under RCW 74.39A.056.

17 ~~((To satisfy the shared background check requirements~~
18 ~~provided for in RCW 43.216.270 and 43.20A.710, the department of~~
19 ~~children, youth, and families and the department of social and health~~
20 ~~services shall share federal fingerprint-based background check~~
21 ~~results as permitted under the law. The purpose of this provision is~~
22 ~~to allow both departments to fulfill their joint background check~~
23 ~~responsibility of checking any individual who may have unsupervised~~
24 ~~access to vulnerable adults, children, or juveniles. Neither~~
25 ~~department may share the federal background check results with any~~
26 ~~other state agency or person.)) In order to determine the character,~~

27 competence, and suitability of an applicant or service provider to
28 have unsupervised access to children or juveniles, the secretary of
29 the department of children, youth, and families shall require the
30 applicant or service provider to submit fingerprints for the purpose
31 of investigating conviction records through both the Washington state
32 patrol and the federal bureau of investigation when the applicant or
33 service provider:

34 (a) Is applying for a license under RCW 74.15.030 or is an adult
35 living in a home where a child is placed;

36 (b) Is applying for employment or already employed at a group
37 care facility, regardless of whether the applicant is working
38 directly with children;

39 (c) Is newly applying for an agency license, is newly licensed,
40 is an employee of an agency that is newly licensed, or will newly

1 have unsupervised access to children in child care, pursuant to RCW
2 43.216.270; or

3 (d) Has resided in the state less than three consecutive years
4 before application; and:

5 (i) Is applying for employment, promotion, reallocation, or
6 transfer to a position the department of children, youth, and
7 families has identified as one that will, or may, require the
8 applicant to have unsupervised access to children or juveniles
9 because of the nature of the work;

10 (ii) Is a business or individual contracted to provide services
11 to children or people with developmental disabilities under RCW
12 74.15.030; or

13 (iii) Is an individual 16 years of age or older who: (A) Is not
14 under the placement and care authority of the department of children,
15 youth, and families; and (B) resides in an applicant or service
16 provider's home, facility, entity, agency, or business or who is
17 authorized by the department of children, youth, and families to
18 provide services to children under RCW 74.15.030.

19 (4) The secretary of the department of children, youth, and
20 families shall require a fingerprint-based background check through
21 the Washington state patrol identification and criminal history
22 section and the federal bureau of investigation when the department
23 seeks to approve an applicant or service provider for a foster or
24 adoptive placement of children in accordance with federal and state
25 law. Fees charged by the Washington state patrol and the federal
26 bureau of investigation for fingerprint-based background checks shall
27 be paid by the department of children, youth, and families for
28 applicants and service providers providing foster care as required in
29 RCW 74.15.030.

30 ~~(5) ((Any secure facility operated by the department of social~~
31 ~~and health services or the department of children, youth, and~~
32 ~~families under chapter 71.09 RCW shall require applicants and service~~
33 ~~providers to undergo a fingerprint-based background check through the~~
34 ~~Washington state patrol identification and criminal history section~~
35 ~~and the federal bureau of investigation.~~

36 ~~(6) Service providers and service provider applicants))~~
37 Applicants and service providers of the department of social and
38 health services, except for ((those)) long-term care workers
39 ((exempted in subsection (2) of this section)) subject to RCW
40 74.39A.056, who are required to complete a fingerprint-based

1 background check may be hired for a one hundred twenty-day
2 provisional period as allowed under law or program rules when:

3 (a) A fingerprint-based background check is pending; and

4 (b) The applicant or service provider is not disqualified based
5 on the immediate result of the background check.

6 ~~((7))~~ (6) Fees charged by the Washington state patrol and the
7 federal bureau of investigation for fingerprint-based background
8 checks shall be paid by the applicable department for applicants or
9 service providers providing:

10 (a) Services to people with a developmental disability under RCW
11 74.15.030;

12 (b) In-home services funded by medicaid personal care under RCW
13 74.09.520;

14 (c) Community options program entry system waiver services under
15 RCW 74.39A.030;

16 (d) Chore services under RCW 74.39A.110;

17 (e) Services under other home and community long-term care
18 programs, established pursuant to chapters 74.39 and 74.39A RCW,
19 administered by the department of social and health services or the
20 department of children, youth, and families;

21 (f) Services in, or to residents of, a secure facility under RCW
22 71.09.115; and

23 (g) For fiscal year 2023, applicants for child care and early
24 learning services to children under RCW 43.216.270.

25 ~~((8—Service providers))~~ (7) Applicants licensed under RCW
26 74.15.030 must pay fees charged by the Washington state patrol and
27 the federal bureau of investigation for conducting fingerprint-based
28 background checks.

29 ~~((9))~~ (8) Department of children, youth, and families ~~((service
30 providers licensed))~~ licensees under RCW 74.15.030 may not pass on
31 the cost of the background check fees to their ~~((applicants))~~
32 employees unless the individual is determined to be disqualified due
33 to the background information.

34 ~~((10))~~ (9) The department of social and health services and the
35 department of children, youth, and families shall develop rules
36 identifying the financial responsibility of service providers,
37 applicants, and the respective department for paying the fees charged
38 by law enforcement to roll, print, or scan fingerprints-based for the
39 purpose of a Washington state patrol or federal bureau of
40 investigation fingerprint-based background check.

1 (~~(11)~~) (10) For purposes of this section, unless the context
2 plainly indicates otherwise:

3 (a) "Applicant" means a current or prospective department of
4 social and health services, department of children, youth, and
5 families, or service provider employee, volunteer, student, intern,
6 researcher, contractor, or any other individual specified in
7 subsection (1)(a) through (g) or (3)(a) through (d) of this section
8 who will or may have unsupervised access to vulnerable adults,
9 children, or juveniles because of the nature of the work or services
10 he or she provides. "Applicant" includes (~~but is not limited to~~)
11 any individual who will or may have unsupervised access to vulnerable
12 adults, children, or juveniles and is:

13 (i) Applying for a license or certification from the department
14 of social and health services or the department of children, youth,
15 and families;

16 (ii) Seeking a contract with the department of social and health
17 services, the department of children, youth, and families, or a
18 service provider;

19 (iii) Applying for employment, promotion, reallocation, or
20 transfer; or

21 (iv) An individual that a department of social and health
22 services or department of children, youth, and families client or
23 guardian of a department of social and health services or department
24 of children, youth, and families client chooses to hire or engage to
25 provide services to himself or herself or another vulnerable adult,
26 juvenile, or child and who might be eligible to receive payment from
27 the department of social and health services or the department of
28 children, youth, and families for services rendered(~~(; or~~

29 ~~(v) A department of social and health services or department of~~
30 ~~children, youth, and families applicant who will or may work in a~~
31 ~~department-covered position)).~~

32 (b) "Area agency on aging" means an agency that is designated by
33 the state to address the needs and concerns of older persons at the
34 regional and local levels and is responsible for a particular
35 geographic area that is a tribal reservation, a single county, or a
36 multicounty planning area. Area agencies on aging have governance
37 based on the corresponding county, city, tribal government, or
38 council of governments.

1 (c) "Authorized" means the department of social and health
2 services or the department of children, youth, and families grants an
3 applicant, home, or facility permission to:

4 (i) Conduct licensing, certification, or contracting activities;

5 (ii) Have unsupervised access to vulnerable adults, juveniles,
6 and children;

7 (iii) Receive payments from a department of social and health
8 services or department of children, youth, and families program; or

9 (iv) Work or serve in a department of social and health services
10 or department of children, youth, and families(~~-covered~~) employment
11 position.

12 (~~(c) "Secretary" means the secretary of the department of social~~
13 ~~and health services.~~

14 ~~(d) "Secure facility" has the meaning provided in RCW 71.09.020.~~

15 ~~(e))~~ (d) "Community residential services and supports provider"
16 means a person or entity certified by the department of social and
17 health services to deliver one or more of the services described in
18 RCW 71A.12.040 to a person with a developmental disability, as
19 defined in RCW 71A.10.020, who is eligible to receive services from
20 the department of social and health services.

21 (e) "Entity representative" means the individual designated by an
22 entity provider or entity applicant who:

23 (i) Is the representative of the entity for the purposes of
24 fulfilling the training and qualification requirements of the state
25 that only an individual can fulfill and an entity cannot;

26 (ii) Is responsible for overseeing the operation of the home; and

27 (iii) Does not hold the license on behalf of the entity.

28 (f) "High-risk provider" means a service provider that has been
29 designated by the state medicaid agency as posing an increased
30 financial risk of fraud, waste, or abuse to the medicaid program. A
31 "high-risk provider" additionally includes any person who has a five
32 percent or more direct or indirect ownership interest in such a
33 provider.

34 (g) "Service provider" means entities, facilities, agencies,
35 businesses, or individuals who are licensed, certified, authorized,
36 or regulated by, receive payment from, or have contracts or
37 agreements with the department of social and health services or the
38 department of children, youth, and families to provide services to
39 vulnerable adults, juveniles, or children. "Service provider"
40 includes individuals whom a department of social and health services

1 or department of children, youth, and families client or guardian of
2 a department of social and health services or department of children,
3 youth, and families client may choose to hire or engage to provide
4 services to himself or herself or another vulnerable adult, juvenile,
5 or child and who might be eligible to receive payment from the
6 department of social and health services or the department of
7 children, youth, and families for services rendered.

8 **Sec. 4.** RCW 74.39A.056 and 2021 c 203 s 3 are each amended to
9 read as follows:

10 (1)(a) All long-term care workers shall be screened through state
11 and federal background checks in a uniform and timely manner to
12 verify that they do not have a history that would disqualify them
13 from working with vulnerable persons. The department must process
14 background checks for long-term care workers and ~~((make—the~~
15 ~~information available to employers, prospective employers, and others~~
16 ~~as authorized by law))~~, based on this screening, inform employers,
17 prospective employers, and others as authorized by law, whether
18 screened applicants are ineligible for employment.

19 (b)(i) For long-term care workers hired on or after January 7,
20 2012, the background checks required under this section shall include
21 checking against the federal bureau of investigation fingerprint
22 identification records system or its successor program. The
23 department shall require these long-term care workers to submit
24 fingerprints for the purpose of investigating conviction records
25 through both the Washington state patrol and the federal bureau of
26 investigation. The department shall not pass on the cost of these
27 criminal background checks to the workers or their employers.

28 (ii) A long-term care worker who is not disqualified by the state
29 background check can work and have unsupervised access pending the
30 results of the federal bureau of investigation fingerprint background
31 check as allowed by rules adopted by the department.

32 ~~((c) The department shall share state and federal background~~
33 ~~check results with the department of health in accordance with RCW~~
34 ~~18.88B.080.~~

35 ~~(d) Background check screening required under this section and~~
36 ~~department rules is not required for an employee of a consumer~~
37 ~~directed employer if all of the following circumstances apply:~~

38 ~~(i) The individual has an individual provider contract with the~~
39 ~~department;~~

1 ~~(ii) The last background check on the contracted individual~~
2 ~~provider is still valid under department rules and did not disqualify~~
3 ~~the individual from providing personal care services;~~

4 ~~(iii) Employment by the consumer directed employer is the only~~
5 ~~reason a new background check would be required; and~~

6 ~~(iv) The department's background check results have been shared~~
7 ~~with the consumer directed employer.~~

8 ~~(e) The department may require a fingerprint-based background~~
9 ~~check through both the Washington state patrol and the federal bureau~~
10 ~~of investigation at any time.))~~

11 (2) A provider may not be employed in the care of and have
12 unsupervised access to vulnerable adults if:

13 (a) The provider is on the vulnerable adult abuse registry or on
14 any other registry based upon a finding of abuse, abandonment,
15 neglect, or financial exploitation of a vulnerable adult;

16 (b) On or after October 1, 1998, the department of children,
17 youth, and families, or its predecessor agency, has made a founded
18 finding of abuse or neglect of a child against the provider. If the
19 provider has received a certificate of parental improvement under
20 chapter 74.13 RCW pertaining to the finding, the provider is not
21 disqualified under this section;

22 (c) A disciplining authority, including the department of health,
23 has made a finding of abuse, abandonment, neglect, or financial
24 exploitation of a minor or a vulnerable adult against the provider;
25 or

26 (d) A court has issued an order that includes a finding of fact
27 or conclusion of law that the provider has committed abuse,
28 abandonment, neglect, or financial exploitation of a minor or
29 vulnerable adult. If the provider has received a certificate of
30 parental improvement under chapter 74.13 RCW pertaining to the
31 finding of fact or conclusion of law, the provider is not
32 disqualified under this section.

33 (3) The department shall establish, by rule, a state registry
34 which contains identifying information about long-term care workers
35 identified under this chapter who have final substantiated findings
36 of abuse, neglect, financial exploitation, or abandonment of a
37 vulnerable adult as defined in RCW 74.34.020. The rule must include
38 disclosure, disposition of findings, notification, findings of fact,
39 appeal rights, and fair hearing requirements. The department shall
40 disclose, upon request, final substantiated findings of abuse,

1 neglect, financial exploitation, or abandonment to any person so
2 requesting this information. This information must also be shared
3 with the department of health to advance the purposes of chapter
4 18.88B RCW.

5 (4) For the purposes of this section, "provider" means:

6 (a) An individual provider as defined in RCW 74.39A.240;

7 (b) An employee, licensee, or contractor of any of the following:
8 A home care agency licensed under chapter 70.127 RCW; a nursing home
9 under chapter 18.51 RCW; an assisted living facility under chapter
10 18.20 RCW; an enhanced services facility under chapter 70.97 RCW; a
11 certified resident services and supports agency licensed or certified
12 under chapter 71A.12 RCW; an adult family home under chapter 70.128
13 RCW; or any long-term care facility certified to provide medicaid or
14 medicare services; and

15 (c) Any contractor of the department who may have unsupervised
16 access to vulnerable adults.

17 (5) The department shall adopt rules to implement this section."

18 Correct the title.

EFFECT: The provisions of the underlying bill are retained with the following changes:

Removes a current law provision requiring the Department of Social and Health Services (DSHS) to provide the results of state and federal background checks to the Department of Health (DOH) for the DOH's use in fulfilling certification requirements for home care aides.

Removes the underlying bill's references to dissemination of background check information as authorized under federal law.

Removes a current law provision that requires sharing of background check results between the DSHS and the Department of Children, Youth, and Families (DCYF) to the extent permitted by law to fulfill shared background check requirements.

Modifies the provisions outlining the background check responsibilities of the DSHS and the DCYF to: (1) Restore current law definitions of "applicant," "authorized," and "service provider;" (2) add definitions of "area agency on aging," "community residential services and supports provider," "entity representative," and "high-risk provider;" (3) restore or include references to service providers and persons applying for employment, in addition to persons already employed, in certain provisions; and (4) remove a requirement in the underlying bill for a fingerprint-based background check of a person applying for employment, promotion, reallocation, or transfer to a position that DSHS has identified as requiring the applicant to have unsupervised access to vulnerable adults, children, or juveniles.

Limits the background check information that the DSHS may share with employers and prospective employers of long-term care workers, and others as authorized by law, to informing such persons that a screened applicant is ineligible for employment (as opposed to

authorizing the DSHS to say whether an applicant is eligible or ineligible for employment, in the underlying bill, or making background check information available to such persons, in current law).

Removes a current law provision allowing the DSHS to require a fingerprint-based background check of a long-term care worker at any time.

Makes a technical correction to a cross reference, and makes other minor changes for clarity and internal consistency.

--- END ---