

CERTIFICATION OF ENROLLMENT

SENATE BILL 5252

68th Legislature
2023 Regular Session

Passed by the Senate April 14, 2023
Yeas 45 Nays 0

President of the Senate

Passed by the House April 6, 2023
Yeas 98 Nays 0

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5252** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5252

AS AMENDED BY THE HOUSE

Passed Legislature - 2023 Regular Session

State of Washington 68th Legislature 2023 Regular Session

By Senators Valdez, Padden, Kuderer, Nobles, and C. Wilson; by request of Department of Social and Health Services

Read first time 01/11/23. Referred to Committee on Human Services.

1 AN ACT Relating to modifications necessary to comply with federal
2 regulations regarding dissemination of federal bureau of
3 investigation criminal history record information; and amending RCW
4 18.88B.080, 43.43.832, 43.43.837, and 74.39A.056.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

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

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

1 (a) An applicant's conviction record, upon the request of a
2 business or organization as defined in RCW 43.43.830, a
3 developmentally disabled person, or a vulnerable adult as defined in
4 RCW 43.43.830 or his or her guardian;

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

7 (c) Any conviction record to aid in the investigation and
8 prosecution of child, developmentally disabled person, and vulnerable
9 adult abuse cases and to protect children and adults from further
10 incidents of abuse, upon the request of a law enforcement agency, the
11 office of the attorney general, prosecuting authority, or the
12 department of social and health services; and

13 (d) A prospective client's or resident's conviction record, upon
14 the request of a business or organization that qualifies for
15 exemption under section 501(c)(3) of the internal revenue code of
16 1986 (26 U.S.C. Sec. 501(c)(3)) and that provides emergency shelter
17 or transitional housing for children, persons with developmental
18 disabilities, or vulnerable adults.

19 (2) The secretary of the department of social and health services
20 and the secretary of children, youth, and families must establish
21 rules and set standards to require specific action when considering
22 the information received pursuant to subsection (1) of this section,
23 and when considering additional information including but not limited
24 to civil adjudication proceedings as defined in RCW 43.43.830 and any
25 out-of-state equivalent, in the following circumstances:

26 (a) When considering persons for state employment in positions
27 directly responsible for the supervision, care, or treatment of
28 children, vulnerable adults, or individuals with mental illness or
29 developmental disabilities provided that: For persons residing in a
30 home that will be utilized to provide foster care for dependent
31 youth, a criminal background check will be required for all persons
32 aged sixteen and older and the department of (~~social and health~~
33 ~~services~~) children, youth, and families may require a criminal
34 background check for persons who are younger than sixteen in
35 situations where it may be warranted to ensure the safety of youth in
36 foster care;

37 (b) When considering persons for state positions involving
38 unsupervised access to vulnerable adults to conduct comprehensive
39 assessments, financial eligibility determinations, licensing and
40 certification activities, investigations, surveys, or case

1 management; or for state positions otherwise required by federal law
2 to meet employment standards;

3 (c) When licensing agencies or facilities with individuals in
4 positions directly responsible for the care, supervision, or
5 treatment of children, developmentally disabled persons, or
6 vulnerable adults, including but not limited to agencies or
7 facilities licensed under chapter 74.15 or 18.51 RCW;

8 (d) When contracting with individuals or businesses or
9 organizations for the care, supervision, case management, or
10 treatment, including peer counseling, of children, developmentally
11 disabled persons, or vulnerable adults, including but not limited to
12 services contracted for under chapter 18.20, 70.127, 70.128, 72.36,
13 or 74.39A RCW or Title 71A RCW;

14 (e) When individual providers as defined in RCW 74.39A.240 or
15 providers paid by home care agencies provide in-home services
16 involving unsupervised access to persons with physical, mental, or
17 developmental disabilities or mental illness, or to vulnerable adults
18 as defined in chapter 74.34 RCW, including but not limited to
19 services provided under chapter 74.39 or 74.39A RCW.

20 (3) The secretary of the department of children, youth, and
21 families shall investigate the conviction records, pending charges,
22 and other information including civil adjudication proceeding records
23 of current employees and of any person actively being considered for
24 any position with the department who will or may have unsupervised
25 access to children, or for state positions otherwise required by
26 federal law to meet employment standards. "Considered for any
27 position" includes decisions about (a) initial hiring, layoffs,
28 reallocations, transfers, promotions, or demotions, or (b) other
29 decisions that result in an individual being in a position that will
30 or may have unsupervised access to children as an employee, an
31 intern, or a volunteer.

32 (4) The secretary of the department of children, youth, and
33 families shall adopt rules and investigate conviction records,
34 pending charges, and other information including civil adjudication
35 proceeding records, in the following circumstances:

36 (a) When licensing or certifying agencies with individuals in
37 positions that will or may have unsupervised access to children who
38 are in child day care, in early learning programs, or receiving early
39 childhood education services, including but not limited to licensees,

1 agency staff, interns, volunteers, contracted providers, and persons
2 living on the premises who are sixteen years of age or older;

3 (b) When authorizing individuals who will or may have
4 unsupervised access to children who are in child day care, in early
5 learning programs, or receiving early childhood learning education
6 services in licensed or certified agencies, including but not limited
7 to licensees, agency staff, interns, volunteers, contracted
8 providers, and persons living on the premises who are sixteen years
9 of age or older;

10 (c) When contracting with any business or organization for
11 activities that will or may have unsupervised access to children who
12 are in child day care, in early learning programs, or receiving early
13 childhood learning education services;

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

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

20 (5) Whenever a state conviction record check is required by state
21 law, persons may be employed or engaged as volunteers or independent
22 contractors on a conditional basis pending completion of the state
23 background investigation. Whenever a national criminal record check
24 through the federal bureau of investigation is required by state law,
25 a person may be employed or engaged as a volunteer or independent
26 contractor on a conditional basis pending completion of the national
27 check. The office of financial management shall adopt rules to
28 accomplish the purposes of this subsection as it applies to state
29 employees. The department of social and health services shall adopt
30 rules to accomplish the purpose of this subsection as it applies to
31 long-term care workers subject to RCW 74.39A.056.

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

38 (b) Completed state criminal background inquiry information may
39 be shared by a willing health care facility only if the following
40 conditions are satisfied: The licensed health care facility sharing

1 the state criminal background inquiry information is reasonably known
2 to be the person's most recent employer, no more than twelve months
3 has elapsed from the date the person was last employed at a licensed
4 health care facility to the date of their current employment
5 application, and the state criminal background information is no more
6 than two years old.

7 (c) If state criminal background inquiry information is shared,
8 the health care facility employing the subject of the inquiry must
9 require the applicant to sign a disclosure statement indicating that
10 there has been no conviction or finding as described in RCW 43.43.842
11 since the completion date of the most recent criminal background
12 inquiry.

13 (d) Any health care facility that knows or has reason to believe
14 that an applicant has or may have a disqualifying conviction or
15 finding as described in RCW 43.43.842, subsequent to the completion
16 date of their most recent criminal background inquiry, shall be
17 prohibited from relying on the applicant's previous employer's state
18 criminal background inquiry information. A new state criminal
19 background inquiry shall be requested pursuant to RCW 43.43.830
20 through 43.43.842.

21 (e) Health care facilities that share state criminal background
22 inquiry information shall be immune from any claim of defamation,
23 invasion of privacy, negligence, or any other claim in connection
24 with any dissemination of this information in accordance with this
25 subsection.

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

29 (7) The department of social and health services may not consider
30 any final founded finding of physical abuse or negligent treatment or
31 maltreatment of a child made pursuant to chapter 26.44 RCW that is
32 accompanied by a certificate of parental improvement or dependency as
33 a result of a finding of abuse or neglect pursuant to chapter 13.34
34 RCW that is accompanied by a certificate of parental improvement when
35 evaluating an applicant or employee's character, competency, and
36 suitability pursuant to any background check authorized or required
37 by this chapter, RCW 43.20A.710 or 74.39A.056, or any of the rules
38 adopted thereunder.

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

3 ~~((Except as provided in subsection (2) of this section, in))~~
4 In order to determine the character, competence, and suitability of
5 any applicant or service provider to have unsupervised access to
6 vulnerable adults, children, or juveniles, the secretary of the
7 department of social and health services ((and the secretary of the
8 department of children, youth, and families may require a
9 fingerprint-based background check through both the Washington state
10 patrol and the federal bureau of investigation at any time, but shall
11 require a fingerprint-based background check when the applicant or
12 service provider has resided in the state less than three consecutive
13 years before application, and)) shall require the applicant or
14 service provider to submit fingerprints for the purpose of
15 investigating conviction records through both the Washington state
16 patrol and the federal bureau of investigation when the applicant or
17 service provider:

18 ~~(a) ((Is an applicant or service provider providing services to~~
19 ~~children or people with developmental disabilities under RCW~~
20 ~~74.15.030;~~

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

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

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

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

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

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

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

38 (i) Is a contractor providing services funded by other home and
39 community long-term care programs, established pursuant to chapters

1 71A.12, 74.09, 74.39, and 74.39A RCW, administered by the department
2 of social and health services;

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

6 (iii) Is applying for employment or is already employed by an
7 area agency on aging or federally recognized Indian tribe, or is an
8 employee of a contractor of an area agency on aging or federally
9 recognized Indian tribe, that will, or may, have unsupervised access
10 to vulnerable adults, children, or juveniles when engaging in the
11 activities described in RCW 74.09.520(5);

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

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

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

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

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

23 (g) Has been categorized as a high-risk provider as defined in
24 subsection (10)(f) of this section; or

25 (h) Is applying for employment or is already employed at any
26 residential habilitation center or other state-operated program for
27 individuals with developmental disabilities under chapter 71A.20 RCW.

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

31 ~~(3) ((To satisfy the shared background check requirements~~
32 ~~provided for in RCW 43.216.270 and 43.20A.710, the department of~~
33 ~~children, youth, and families and the department of social and health~~
34 ~~services shall share federal fingerprint-based background check~~
35 ~~results as permitted under the law. The purpose of this provision is~~
36 ~~to allow both departments to fulfill their joint background check~~
37 ~~responsibility of checking any individual who may have unsupervised~~
38 ~~access to vulnerable adults, children, or juveniles. Neither~~
39 ~~department may share the federal background check results with any~~
40 ~~other state agency or person.)) In order to determine the character,~~

1 competence, and suitability of an applicant or service provider to
2 have unsupervised access to children or juveniles, the secretary of
3 the department of children, youth, and families shall require the
4 applicant or service provider to submit fingerprints for the purpose
5 of investigating conviction records through both the Washington state
6 patrol and the federal bureau of investigation when the applicant or
7 service provider:

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

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

13 (c) Is newly applying for an agency license, is newly licensed,
14 is an employee of an agency that is newly licensed, or will newly
15 have unsupervised access to children in child care, pursuant to RCW
16 43.216.270; or

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

19 (i) Is applying for employment, promotion, reallocation, or
20 transfer to a position the department of children, youth, and
21 families has identified as one that will, or may, require the
22 applicant to have unsupervised access to children or juveniles
23 because of the nature of the work;

24 (ii) Is a business or individual contracted to provide services
25 to children or people with developmental disabilities under RCW
26 74.15.030; or

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

33 (4) The secretary of the department of children, youth, and
34 families shall require a fingerprint-based background check through
35 the Washington state patrol identification and criminal history
36 section and the federal bureau of investigation when the department
37 seeks to approve an applicant or service provider for a foster or
38 adoptive placement of children in accordance with federal and state
39 law. Fees charged by the Washington state patrol and the federal
40 bureau of investigation for fingerprint-based background checks shall

1 be paid by the department of children, youth, and families for
2 applicants and service providers providing foster care as required in
3 RCW 74.15.030.

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

10 ~~(6) Service providers and service provider applicants))~~
11 Applicants and service providers of the department of social and
12 health services, except for ~~((those))~~ long-term care workers
13 ~~((exempted in subsection (2) of this section))~~ subject to RCW
14 74.39A.056, who are required to complete a fingerprint-based
15 background check may be hired for a one hundred twenty-day
16 provisional period as allowed under law or program rules when:

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

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

20 ~~((7))~~ (6) Fees charged by the Washington state patrol and the
21 federal bureau of investigation for fingerprint-based background
22 checks shall be paid by the applicable department for applicants or
23 service providers providing:

24 (a) Services to people with a developmental disability under RCW
25 74.15.030;

26 (b) In-home services funded by medicaid personal care under RCW
27 74.09.520;

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

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

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

35 (f) Services in, or to residents of, a secure facility under RCW
36 71.09.115; and

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

39 ~~((8))~~ (7) Service providers licensed under RCW 74.15.030 must
40 pay fees charged by the Washington state patrol and the federal

1 bureau of investigation for conducting fingerprint-based background
2 checks.

3 ~~((+9))~~ (8) Department of children, youth, and families service
4 providers licensed under RCW 74.15.030 may not pass on the cost of
5 the background check fees to their applicants unless the individual
6 is determined to be disqualified due to the background information.

7 ~~((+10))~~ (9) The department of social and health services and the
8 department of children, youth, and families shall develop rules
9 identifying the financial responsibility of service providers,
10 applicants, and the respective department for paying the fees charged
11 by law enforcement to roll, print, or scan fingerprints-based for the
12 purpose of a Washington state patrol or federal bureau of
13 investigation fingerprint-based background check.

14 ~~((+11))~~ (10) For purposes of this section, unless the context
15 plainly indicates otherwise:

16 (a) "Applicant" means a current or prospective department of
17 social and health services, department of children, youth, and
18 families, or service provider employee, volunteer, student, intern,
19 researcher, contractor, or any other individual specified in
20 subsection (1)(a) through (g) or (3)(a) through (d) of this section
21 who will or may have unsupervised access to vulnerable adults,
22 children, or juveniles because of the nature of the work or services
23 he or she provides. "Applicant" includes ~~((but is not limited to))~~
24 any individual who will or may have unsupervised access to vulnerable
25 adults, children, or juveniles and is:

26 (i) Applying for a license or certification from the department
27 of social and health services or the department of children, youth,
28 and families;

29 (ii) Seeking a contract with the department of social and health
30 services, the department of children, youth, and families, or a
31 service provider;

32 (iii) Applying for employment, promotion, reallocation, or
33 transfer; or

34 (iv) An individual that a department of social and health
35 services or department of children, youth, and families client or
36 guardian of a department of social and health services or department
37 of children, youth, and families client chooses to hire or engage to
38 provide services to himself or herself or another vulnerable adult,
39 juvenile, or child and who might be eligible to receive payment from

1 the department of social and health services or the department of
2 children, youth, and families for services rendered(~~(~~or~~~~

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

6 (b) "Area agency on aging" means an agency that is designated by
7 the state to address the needs and concerns of older persons at the
8 regional and local levels and is responsible for a particular
9 geographic area that is a tribal reservation, a single county, or a
10 multicounty planning area. Area agencies on aging have governance
11 based on the corresponding county, city, tribal government, or
12 council of governments.

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

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

17 (ii) Have unsupervised access to vulnerable adults, juveniles,
18 and children;

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

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

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

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

27 ~~(e))~~ (d) "Community residential services and supports provider"
28 means a person or entity certified by the department of social and
29 health services to deliver one or more of the services described in
30 RCW 71A.12.040 to a person with a developmental disability, as
31 defined in RCW 71A.10.020, who is eligible to receive services from
32 the department of social and health services.

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

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

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

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

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

7 (g) "Service provider" means entities, facilities, agencies,
8 businesses, or individuals who are licensed, certified, authorized,
9 or regulated by, receive payment from, or have contracts or
10 agreements with the department of social and health services or the
11 department of children, youth, and families to provide services to
12 vulnerable adults, juveniles, or children. "Service provider"
13 includes individuals whom a department of social and health services
14 or department of children, youth, and families client or guardian of
15 a department of social and health services or department of children,
16 youth, and families client may choose to hire or engage to provide
17 services to himself or herself or another vulnerable adult, juvenile,
18 or child and who might be eligible to receive payment from the
19 department of social and health services or the department of
20 children, youth, and families for services rendered.

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

23 (1) (a) All long-term care workers shall be screened through state
24 and federal background checks in a uniform and timely manner to
25 verify that they do not have a history that would disqualify them
26 from working with vulnerable persons. The department must process
27 background checks for long-term care workers and ~~((make—the~~
28 ~~information available to employers, prospective employers, and others~~
29 ~~as authorized by law))~~, based on this screening, inform employers,
30 prospective employers, and others as authorized by law, whether
31 screened applicants are ineligible for employment.

32 (b) (i) For long-term care workers hired on or after January 7,
33 2012, the background checks required under this section shall include
34 checking against the federal bureau of investigation fingerprint
35 identification records system or its successor program. The
36 department shall require these long-term care workers to submit
37 fingerprints for the purpose of investigating conviction records
38 through both the Washington state patrol and the federal bureau of

1 investigation. The department shall not pass on the cost of these
2 criminal background checks to the workers or their employers.

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

7 ~~((c) The department shall share state and federal background
8 check results with the department of health in accordance with RCW
9 18.88B.080.~~

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

13 ~~(i) The individual has an individual provider contract with the
14 department;~~

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

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

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

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

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

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

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

36 (c) A disciplining authority, including the department of health,
37 has made a finding of abuse, abandonment, neglect, or financial
38 exploitation of a minor or a vulnerable adult against the provider;
39 or

1 (d) A court has issued an order that includes a finding of fact
2 or conclusion of law that the provider has committed abuse,
3 abandonment, neglect, or financial exploitation of a minor or
4 vulnerable adult. If the provider has received a certificate of
5 parental improvement under chapter 74.13 RCW pertaining to the
6 finding of fact or conclusion of law, the provider is not
7 disqualified under this section.

8 (3) The department shall establish, by rule, a state registry
9 which contains identifying information about long-term care workers
10 identified under this chapter who have final substantiated findings
11 of abuse, neglect, financial exploitation, or abandonment of a
12 vulnerable adult as defined in RCW 74.34.020. The rule must include
13 disclosure, disposition of findings, notification, findings of fact,
14 appeal rights, and fair hearing requirements. The department shall
15 disclose, upon request, final substantiated findings of abuse,
16 neglect, financial exploitation, or abandonment to any person so
17 requesting this information. This information must also be shared
18 with the department of health to advance the purposes of chapter
19 18.88B RCW.

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

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

22 (b) An employee, licensee, or contractor of any of the following:
23 A home care agency licensed under chapter 70.127 RCW; a nursing home
24 under chapter 18.51 RCW; an assisted living facility under chapter
25 18.20 RCW; an enhanced services facility under chapter 70.97 RCW; a
26 certified resident services and supports agency licensed or certified
27 under chapter 71A.12 RCW; an adult family home under chapter 70.128
28 RCW; or any long-term care facility certified to provide medicaid or
29 medicare services; and

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

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

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