

2 SHB 2055 - S AMD
3 By Senators West and Niemi

4 ADOPTED 3/4/92

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 43.43.842 and 1989 c 334 s 11 are each amended to
8 read as follows:

9 (1) The secretary of social and health services and the secretary
10 of health shall adopt additional requirements for the licensure or
11 relicensure of agencies or facilities which provide care and treatment
12 to vulnerable adults. These additional requirements shall ensure that
13 any person associated with a licensed agency or facility having direct
14 contact with a vulnerable adult shall not have been: ~~((+1))~~ (a)
15 Convicted of a crime against persons as defined in RCW 43.43.830,
16 except as provided in this section; ~~((+2))~~ (b) convicted of crimes
17 relating to financial exploitation ~~((of a vulnerable adult))~~ as defined
18 in RCW 43.43.830, except as provided in this section; ~~((+3))~~ (c) found
19 in any disciplinary board final decision to have abused a vulnerable
20 adult under RCW 43.43.830; or ~~((+4))~~ (d) the subject in a protective
21 proceeding under chapter 74.34 RCW.

22 (2) The rules adopted under this section shall permit the licensee
23 to consider the criminal history of an applicant for employment in a
24 licensed facility when the applicant has one or more convictions for a
25 past offense and:

26 (a) The offense was simple assault, assault in the fourth degree,
27 or the same offense as it may be renamed, and three or more years have

1 passed between the most recent conviction and the date of application
2 for employment;

3 (b) The offense was prostitution, or the same offense as it may be
4 renamed, and three or more years have passed between the most recent
5 conviction and the date of application for employment;

6 (c) The offense was theft in the third degree, or the same offense
7 as it may be renamed, and three or more years have passed between the
8 most recent conviction and the date of application for employment;

9 (d) The offense was theft in the second degree, or the same offense
10 as it may be renamed, and five or more years have passed between the
11 most recent conviction and the date of application for employment;

12 (e) The offense was forgery, or the same offense as it may be
13 renamed, and five or more years have passed between the most recent
14 conviction and the date of application for employment.

15 The offenses set forth in (a) through (e) of this subsection do not
16 automatically disqualify an applicant from employment by a licensee.
17 Nothing in this section may be construed to require the employment of
18 any person against a licensee's judgment.

19 In consultation with law enforcement personnel, the secretary of
20 social and health services and the secretary of health shall
21 investigate the conviction record and the protection proceeding record
22 information under chapter 43.43 RCW of each agency or facility and its
23 staff under their respective jurisdictions seeking licensure or
24 relicensure. The ((secretary)) secretaries shall use the information
25 solely for the purpose of determining eligibility for licensure or
26 relicensure. Criminal justice agencies shall provide the ((secretary))
27 secretaries such information as they may have and that the
28 ((secretary)) secretaries may require for such purpose."

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4 On page 1, line 1 of the title, after "checks;" strike the
5 remainder of the title and insert "and amending RCW 43.43.842."