

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2055

Chapter 104, Laws of 1992

52nd Legislature
1992 Regular Session

FACILITIES FOR VULNERABLE ADULTS--CRIMINAL HISTORY OF EMPLOYEES

EFFECTIVE DATE: 6/11/92

Passed by the House March 7, 1992
Yeas 93 Nays 3

JOE KING
**Speaker of the
House of Representatives**

Passed by the Senate March 4, 1992
Yeas 34 Nays 12

JOEL PRITCHARD
President of the Senate

Approved March 31, 1992

BOOTH GARDNER
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is SUBSTITUTE HOUSE BILL 2055 as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED

March 31, 1992 - 11:51 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2055

AS AMENDED BY THE SENATE

Passed Legislature - 1992 Regular Session

State of Washington 52nd Legislature 1992 Regular Session

By House Committee on Health Care (originally sponsored by Representative Braddock)

Read first time 02/07/92.

1 AN ACT Relating to criminal history background checks; and amending
2 RCW 43.43.842.

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

4 **Sec. 1.** RCW 43.43.842 and 1989 c 334 s 11 are each amended to read
5 as follows:

6 (1) The secretary of social and health services and the secretary
7 of health shall adopt additional requirements for the licensure or
8 relicensure of agencies or facilities which provide care and treatment
9 to vulnerable adults. These additional requirements shall ensure that
10 any person associated with a licensed agency or facility having direct
11 contact with a vulnerable adult shall not have been: ~~((1))~~ (a)
12 Convicted of a crime against persons as defined in RCW 43.43.830,
13 except as provided in this section; ~~((2))~~ (b) convicted of crimes
14 relating to financial exploitation ~~((of a vulnerable adult))~~ as defined

1 in RCW 43.43.830, except as provided in this section; (~~(3)~~) (c) found
2 in any disciplinary board final decision to have abused a vulnerable
3 adult under RCW 43.43.830; or (~~(4)~~) (d) the subject in a protective
4 proceeding under chapter 74.34 RCW.

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

9 (a) The offense was simple assault, assault in the fourth degree,
10 or the same offense as it may be renamed, and three or more years have
11 passed between the most recent conviction and the date of application
12 for employment;

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

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

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

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

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

29 In consultation with law enforcement personnel, the secretary of
30 social and health services and the secretary of health shall

1 investigate the conviction record and the protection proceeding record
2 information under chapter 43.43 RCW of each agency or facility and its
3 staff under their respective jurisdictions seeking licensure or
4 relicensure. The ((~~secretary~~)) secretaries shall use the information
5 solely for the purpose of determining eligibility for licensure or
6 relicensure. Criminal justice agencies shall provide the ((~~secretary~~))
7 secretaries such information as they may have and that the
8 ((~~secretary~~)) secretaries may require for such purpose.

Passed the House March 7, 1992.

Passed the Senate March 4, 1992.

Approved by the Governor March 31, 1992.

Filed in Office of Secretary of State March 31, 1992.