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SENATE BILL 6152

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State of Washington

56th Legislature

2000 Regular Session

By Senators Stevens, Hochstatter, Swecker and Kohl-Welles

Read first time 01/10/2000. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to the care, supervision, and treatment of  
2 children, developmentally disabled persons, and vulnerable adults; and  
3 amending RCW 43.43.832.

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

5 **Sec. 1.** RCW 43.43.832 and 1997 c 392 s 524 are each amended to  
6 read as follows:

7 (1) The legislature finds that businesses and organizations  
8 providing services to children, developmentally disabled persons, and  
9 vulnerable adults need adequate information to determine which  
10 employees or licensees to hire or engage. The legislature further  
11 finds that many developmentally disabled individuals and vulnerable  
12 adults desire to hire their own employees directly and also need  
13 adequate information to determine which employees or licensees to hire  
14 or engage. Therefore, the Washington state patrol criminal  
15 identification system shall disclose, upon the request of a business or  
16 organization as defined in RCW 43.43.830, a developmentally disabled  
17 person, or a vulnerable adult as defined in RCW 43.43.830 or his or her  
18 guardian, an applicant's record for convictions of offenses against  
19 children or other persons, convictions for crimes relating to financial

1 exploitation, but only if the victim was a vulnerable adult,  
2 adjudications of child abuse in a civil action, the issuance of a  
3 protection order against the respondent under chapter 74.34 RCW, and  
4 disciplinary board final decisions and any subsequent criminal charges  
5 associated with the conduct that is the subject of the disciplinary  
6 board final decision.

7 (2) The legislature also finds that the state board of education  
8 may request of the Washington state patrol criminal identification  
9 system information regarding a certificate applicant's record for  
10 convictions under subsection (1) of this section.

11 (3) The legislature also finds that law enforcement agencies, the  
12 office of the attorney general, prosecuting authorities, and the  
13 department of social and health services may request this same  
14 information to aid in the investigation and prosecution of child,  
15 developmentally disabled person, and vulnerable adult abuse cases and  
16 to protect children and adults from further incidents of abuse.

17 (4) The legislature further finds that the department of social and  
18 health services must consider the information listed in subsection (1)  
19 of this section in the following circumstances:

20 (a) When considering persons for state positions directly  
21 responsible for the care, supervision, or treatment of children,  
22 developmentally disabled persons, or vulnerable adults;

23 (b) When licensing agencies or facilities with individuals in  
24 positions directly responsible for the care, supervision, or treatment  
25 of children, developmentally disabled persons, or vulnerable adults,  
26 including but not limited to agencies or facilities licensed under  
27 chapter 74.15 or 18.51 RCW;

28 (c) When contracting with individuals or businesses or  
29 organizations, or when authorizing payment, for the care, supervision,  
30 or treatment of children, developmentally disabled persons, or  
31 vulnerable adults, including but not limited to services contracted for  
32 under chapter 18.20, 18.48, 70.127, 70.128, 72.36, or 74.39A RCW or  
33 Title 71A RCW.

34 (5) Whenever a state conviction record check is required by state  
35 law, persons may be employed or engaged as volunteers or independent  
36 contractors on a conditional basis pending completion of the state  
37 background investigation. Whenever a national criminal record check  
38 through the federal bureau of investigation is required by state law,  
39 a person may be employed or engaged as a volunteer or independent

1 contractor on a conditional basis pending completion of the national  
2 check. The Washington personnel resources board shall adopt rules to  
3 accomplish the purposes of this subsection as it applies to state  
4 employees.

5 (6)(a) For purposes of facilitating timely access to criminal  
6 background information and to reasonably minimize the number of  
7 requests made under this section, recognizing that certain health care  
8 providers change employment frequently, health care facilities may,  
9 upon request from another health care facility, share copies of  
10 completed criminal background inquiry information.

11 (b) Completed criminal background inquiry information may be shared  
12 by a willing health care facility only if the following conditions are  
13 satisfied: The licensed health care facility sharing the criminal  
14 background inquiry information is reasonably known to be the person's  
15 most recent employer, no more than twelve months has elapsed from the  
16 date the person was last employed at a licensed health care facility to  
17 the date of their current employment application, and the criminal  
18 background information is no more than two years old.

19 (c) If criminal background inquiry information is shared, the  
20 health care facility employing the subject of the inquiry must require  
21 the applicant to sign a disclosure statement indicating that there has  
22 been no conviction or finding as described in RCW 43.43.842 since the  
23 completion date of the most recent criminal background inquiry.

24 (d) Any health care facility that knows or has reason to believe  
25 that an applicant has or may have a disqualifying conviction or finding  
26 as described in RCW 43.43.842, subsequent to the completion date of  
27 their most recent criminal background inquiry, shall be prohibited from  
28 relying on the applicant's previous employer's criminal background  
29 inquiry information. A new criminal background inquiry shall be  
30 requested pursuant to RCW 43.43.830 through 43.43.842.

31 (e) Health care facilities that share criminal background inquiry  
32 information shall be immune from any claim of defamation, invasion of  
33 privacy, negligence, or any other claim in connection with any  
34 dissemination of this information in accordance with this subsection.

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

38 (g) For the purposes of this subsection, "health care facility"  
39 means a nursing home licensed under chapter 18.51 RCW, a boarding home

- 1 licensed under chapter 18.20 RCW, or an adult family home licensed
- 2 under chapter 70.128 RCW.

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