
HOUSE BILL 2963

State of Washington

58th Legislature

2004 Regular Session

By Representatives McMahan and Mielke

Read first time 01/23/2004. Referred to Committee on Children & Family Services.

1 AN ACT Relating to requiring background checks for all department
2 of social and health services employees and contractors; and amending
3 RCW 43.20A.710.

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

5 **Sec. 1.** RCW 43.20A.710 and 2001 c 296 s 5 are each amended to read
6 as follows:

7 (1) The secretary shall investigate the conviction records, pending
8 charges and disciplinary board final decisions of:

9 (a) Any current employee or applicant seeking or being considered
10 for any position with the department (~~who will or may have~~
11 ~~unsupervised access to children, vulnerable adults, or individuals with~~
12 ~~mental illness or developmental disabilities. This includes, but is~~
13 ~~not limited to, positions conducting comprehensive assessments,~~
14 ~~financial eligibility determinations, licensing and certification~~
15 ~~activities, investigations, surveys, or case management; or for state~~
16 ~~positions otherwise required by federal law to meet employment~~
17 ~~standards));~~

18 (b) (~~Individual providers who are paid by the state and providers~~
19 ~~who are paid by home care agencies to provide in home services~~

1 ~~involving unsupervised access to persons with physical, mental, or~~
2 ~~developmental disabilities or mental illness, or to vulnerable adults~~
3 ~~as defined in chapter 74.34 RCW, including but not limited to services~~
4 ~~provided under chapter 74.39 or 74.39A RCW; and~~

5 (e)) Individuals or persons acting on behalf of businesses or
6 organizations for the care, supervision, case management, or treatment
7 of children, developmentally disabled persons, or vulnerable adults,
8 including but not limited to services contracted for under chapter
9 18.20, 18.48, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW;
10 and

11 (c) Individuals or persons acting on behalf of businesses or
12 organizations who have access to information in the control of the
13 department or who have access to information prepared on behalf of, or
14 in preparation for use by, the department.

15 (2) The investigation may include an examination of state and
16 national criminal identification data. The secretary shall use the
17 information solely for the purpose of determining the character,
18 suitability, and competence of these applicants.

19 (3) An individual provider or home care agency provider who has
20 resided in the state less than three years before applying for
21 employment involving unsupervised access to a vulnerable adult as
22 defined in chapter 74.34 RCW must be fingerprinted for the purpose of
23 investigating conviction records both through the Washington state
24 patrol and the federal bureau of investigation. This subsection
25 applies only with respect to the provision of in-home services funded
26 by medicaid personal care under RCW 74.09.520, community options
27 program entry system waiver services under RCW 74.39A.030, or chore
28 services under RCW 74.39A.110. However, this subsection does not
29 supersede RCW 74.15.030(2)(b).

30 (4) An individual provider or home care agency provider hired to
31 provide in-home care for and having unsupervised access to a vulnerable
32 adult as defined in chapter 74.34 RCW must have no conviction for a
33 disqualifying crime under RCW 43.43.830 and 43.43.842. An individual
34 or home care agency provider must also have no conviction for a crime
35 relating to drugs as defined in RCW 43.43.830. This subsection applies
36 only with respect to the provision of in-home services funded by
37 medicaid personal care under RCW 74.09.520, community options program

1 entry system waiver services under RCW 74.39A.030, or chore services
2 under RCW 74.39A.110.

3 (5) The secretary shall provide the results of the background check
4 on individual providers to the persons hiring them or to their legal
5 guardians, if any, for their determination of the character,
6 suitability, and competence of the applicants. If the person elects to
7 hire or retain an individual provider after receiving notice from the
8 department that the applicant has a conviction for an offense that
9 would disqualify the applicant from having unsupervised access to
10 persons with physical, mental, or developmental disabilities or mental
11 illness, or to vulnerable adults as defined in chapter 74.34 RCW, then
12 the secretary shall deny payment for any subsequent services rendered
13 by the disqualified individual provider.

14 (6) Criminal justice agencies shall provide the secretary such
15 information as they may have and that the secretary may require for
16 such purpose.

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