
SENATE BILL 5424

State of Washington

60th Legislature

2007 Regular Session

By Senators Keiser, Kohl-Welles, Kastama, Franklin, Rockefeller, Shin, Clements and Rasmussen

Read first time 01/19/2007. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to background checks for health care providers;
2 amending RCW 18.130.310; adding new sections to chapter 18.130 RCW;
3 adding a new section to chapter 43.70 RCW; and providing an effective
4 date.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.130 RCW
7 to read as follows:

8 (1)(a) The department shall establish requirements for each
9 applicant for an initial license to obtain a state background check
10 through the state patrol prior to the issuance of any license. The
11 background check may be fingerprint-based at the discretion of the
12 department.

13 (b) The department shall specify those situations where a
14 background check under (a) of this subsection is inadequate and an
15 applicant for an initial license must obtain an electronic fingerprint-
16 based national background check through the state patrol and federal
17 bureau of investigation. Situations where a background check is
18 inadequate may include instances where an applicant has recently lived

1 out-of-state or where the applicant has a criminal record in
2 Washington.

3 (2) The department shall adopt rules to require license holders to
4 report to the disciplining authority and to the individual's employer
5 any arrests, convictions, or other determinations or findings by a law
6 enforcement agency occurring after the effective date of this section
7 for a criminal offense that constitutes unprofessional conduct under
8 this chapter or the chapters specified in RCW 18.130.040(2). The
9 report must be made within fourteen days of the conviction.

10 (3) The department shall conduct an annual review of a
11 representative sample of all license holders who have previously
12 obtained a background check through the department. The selection of
13 the license holders to be reviewed shall be representative of all
14 categories of license holders and geographic locations.

15 (4)(a) When deciding whether or not to issue an initial license,
16 the disciplining authority shall consider the results of any background
17 check conducted pursuant to subsection (1) of this section that reveals
18 a conviction for any criminal offense that constitutes unprofessional
19 conduct under this chapter or the chapters specified in RCW
20 18.130.040(2) or a series of arrests that when considered together
21 demonstrate a pattern of behavior that, without investigation, may pose
22 a risk to the safety of the license holder's patients.

23 (b) If the background check conducted pursuant to subsection (2) of
24 this section reveals any information related to unprofessional conduct
25 that has not been previously disclosed to the disciplining authority,
26 it shall take appropriate disciplinary action against the license
27 holder.

28 (5) The department shall:

29 (a) Require the applicant or license holder to submit full sets of
30 fingerprints if necessary to complete the background check;

31 (b) Require the applicant to submit any fees for background check
32 activities conducted pursuant to subsection (1) of this section, except
33 as precluded by RCW 43.70.110, and other information required by the
34 state patrol;

35 (c) Notify the applicant of the results of the background check;
36 and

37 (d) Restrict use of the background check results to determining the

1 individual's suitability for a license and to conducting disciplinary
2 functions.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.130 RCW
4 to read as follows:

5 Nothing in RCW 18.130.310 or sections 1 and 4 of this act limits
6 the authority of the disciplining authority to investigate the
7 suitability of an individual for holding a license.

8 **Sec. 3.** RCW 18.130.310 and 1989 1st ex.s. c 9 s 313 are each
9 amended to read as follows:

10 Subject to RCW 40.07.040, the disciplinary authority shall submit
11 a biennial report to the legislature on its proceedings during the
12 biennium, detailing the number of complaints made, investigated, and
13 adjudicated and manner of disposition. In addition, the report shall
14 provide data on the department's background check activities conducted
15 under sections 1 and 2 of this act and the effectiveness of those
16 activities in identifying potential license holders who may not be
17 qualified to practice safely. The report may include recommendations
18 for improving the disciplinary process, including proposed legislation.
19 The department shall develop a uniform report format.

20 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.70 RCW
21 to read as follows:

22 To implement section 1 of this act, the department may increase
23 application and renewal fees by amounts that exceed the fiscal growth
24 factor under RCW 43.135.055.

25 NEW SECTION. **Sec. 5.** Section 1 of this act takes effect January
26 1, 2008.

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