
Health Care & Wellness Committee

HB 1565

Brief Description: Concerning certain providers sharing background checks.

Sponsors: Representatives Robinson, Tharinger, Klippert and Lovick; by request of Department of Social and Health Services.

Brief Summary of Bill

- Permits more types of providers to share background check information with each other about employees and prospective employees.
- Authorizes the Department of Social and Health Services to maintain a background check database that may be used by businesses and organizations that employ long-term care workers to satisfy background check requirements.

Hearing Date: 2/5/19

Staff: Chris Blake (786-7392).

Background:

Long-term care workers.

A long-term care worker is any person who provides paid, hands-on personal care services for the elderly or persons with disabilities. The term includes individual providers of home care services; direct care workers employed by home care agencies, consumer-directed employers, or community residential service businesses; providers of home care services to people with developmental disabilities, direct care workers in assisted-living facilities and adult family homes, and respite care providers. The term does not include employees of nursing homes, hospitals, acute care settings, residential habilitation centers, hospice agencies, adult day care centers, and adult day health centers. The term also excludes people who are not paid by the state or any private agency or facility licensed by the state to provide personal care services.

Background check requirements for persons working with vulnerable adults and minors.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

All long-term care workers must be screened through both state and federal background checks to verify that they do not have a history that would disqualify them from working with vulnerable persons. The Department of Social and Health Services (Department) must process background checks for long-term care workers and make the information available to employers and prospective employers. Long-term care workers that have a final substantiated finding of abuse, neglect, exploitation, or abandonment of a minor or vulnerable adult may not be employed in the care of and have unsupervised access to vulnerable adults.

The Department must have standards for considering background check information related to its contracting activities for the care, supervision, case management, or treatment of children, developmentally disabled persons, and vulnerable adults. The requirement applies to contracting activities with entities such as nursing homes, home care agencies, adult family homes, veterans' homes, consumer-directed employers, and community residential service businesses.

Under certain circumstances, health care facilities are allowed to share copies of recent criminal background check information with each other. Health care facilities are defined to include nursing homes, assisted living facilities, and adult family homes.

Summary of Bill:

The permission that health care facilities have to share copies of completed criminal background checks with other health care facilities, upon request, is expanded to also include in-home services agencies, community residential service businesses, and consumer-directed employers. The term "health care facility" is expanded to include enhanced services facilities, in addition to nursing homes, assisted living facilities, and adult family homes.

The Department of Social and Health Services is authorized to maintain a background check database. A business or organization that is required to complete a background check for long-term care workers may meet the requirement by using the background check database.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.