

# HOUSE BILL REPORT

## 2ESHB 1565

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**As Passed House:**  
January 16, 2020

**Title:** An act relating to certain providers sharing background checks.

**Brief Description:** Concerning certain providers sharing background checks.

**Sponsors:** House Committee on Health Care & Wellness (originally sponsored by Representatives Robinson, Tharinger, Klippert and Lovick; by request of Department of Social and Health Services).

**Brief History:**

**Committee Activity:**

Health Care & Wellness: 2/5/19, 2/13/19 [DPS].

**Floor Activity:**

Passed House: 3/4/19, 96-0.

**Floor Activity:**

Passed House: 1/16/20, 96-0.

**Brief Summary of Second Engrossed Substitute Bill**

- Permits additional types of providers to share criminal background inquiry 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.

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### HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Chambers, Davis, DeBolt, Harris, Jinkins, Maycumber, Riccelli, Robinson, Stonier, Thai and Tharinger.

**Staff:** Chris Blake (786-7392).

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*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.*

## **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.

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 Second Engrossed Substitute Bill:**

The permission that health care facilities have to share copies of completed criminal background inquiry information 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 term "criminal background inquiry information" is defined as only the results from a processed background check, including criminal history record information that may be disclosed without restriction, and not any commercial records or financial records of an individual, or criminal history record information that is confidential.

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. The background check database must be a web-based background check system for the use of authorized entities to submit background check requests, receive results of background checks, review state and federal criminal history records, and process the results of background checks.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) Providers are under a lot of stress to find and keep staff, and this bill is a simple thing that can make it a little easier for providers. In an industry where workers switch employers regularly and work for multiple providers, this bill will help to expedite hiring and assure that clients do not experience a gap in service delivery. This bill will eliminate redundant background checks and minimize the number of background checks that must be completed. This bill expands access to background checks for additional types of providers who have similar business needs while ensuring the continuity of care for clients with disabilities and the aging population. This bill helps facilitate timely access to national criminal background check information and increases organizational efficiency. This bill has no cost to the Department of Social and Health Services or providers and has been successfully implemented with other types of health facilities. This bill will reduce the backlog on the background check system.

(Opposed) None.

**Persons Testifying:** Representative Robinson, prime sponsor; and Deborah Roberts, Department of Social and Health Services.

**Persons Signed In To Testify But Not Testifying:** None.