

**SHB 1411 - H AMD 88**

By Representative Simmons

WITHDRAWN 03/01/2021

1 Beginning on page 1, line 19, after "(a)" strike all material  
2 through "(b)" on page 2, line 1

3 Renumber the remaining subsections consecutively and correct any  
4 internal references accordingly.

5 On page 2, line 23, after "worker," strike "department-  
6 contracted" and insert "contracted"

7 On page 2, line 27, after "contracted" strike "employee" and  
8 insert "provider"

9 On page 2, line 34, after "contracted" strike "employee" and  
10 insert "provider"

11 On page 3, line 2, after "discretion." insert "In any action at  
12 law against the department, a contracted provider, or a licensee  
13 relating to or arising from the hiring, licensing, certifying,  
14 contracting with, permitting, or continuing to permit a person to be  
15 employed in any position caring for or having unsupervised access to  
16 vulnerable adults or children, evidence of the crimes identified in  
17 subsection (1) of this section may not be introduced as evidence of  
18 negligence or intentionally tortious conduct on the part of the  
19 department, a contracted provider, or a licensee."

20 On page 5, line 23, after "18.86 RCW;" strike "and"

21 On page 5, beginning on line 24, after "18.170 RCW" strike all  
22 material through "~~43.48.842))~~" on line 25 and insert "; and  
23 vulnerable adult care providers, RCW 43.43.842 who are not home care  
24 aides under chapter 18.88B RCW, or contracted providers or licensees  
25 as defined in section 1 of this act"

26 On page 8, beginning on line 6, after "services" strike "or an  
27 employer contracted with the department of social and health

1 services" and insert ", or contracted providers or licensees as  
2 defined in section 1 of this act"

3 On page 8, line 13, after "discretion." insert "In any action at  
4 law against the department of social and health services, or  
5 contracted providers or licensees as defined in section 1 of this  
6 act, relating to or arising from the hiring, licensing, certifying,  
7 contracting with, permitting, or continuing to permit a person  
8 providing home care services to be employed in any position caring  
9 for or having unsupervised access to vulnerable adults and children  
10 of the recipient of a certificate of restoration of opportunity,  
11 evidence of the crime for which a certificate of restoration of  
12 opportunity has been issued may not be introduced as evidence of  
13 negligence or intentionally tortious conduct on the part of the  
14 department of social and health services, and contracted providers  
15 and licensees as defined in section 1 of this act."

16 On page 8, line 17, after "services," strike "contracted  
17 providers," and insert "and contracted providers"

EFFECT: Prohibits the introduction of crimes by a person with a certificate of restoration of opportunity (CROP) or who had an automatic disqualification exemption as evidence of negligence or intentionally tortious conduct in a lawsuit involving the Department of Social and Health Services, contracted providers, and licensees.

Removes selling marijuana to a person under the age of 21 from the list of crimes exempted from automatic disqualification.

Restores the provision that excludes vulnerable adult care providers from the CROP, but limits its application to those who are not home care aides or contracted providers or licensees.

Corrects terminology related to contracted providers and licensees. Corrects grammar.

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