
SUBSTITUTE HOUSE BILL 1292

State of Washington

68th Legislature

2023 Regular Session

By House Human Services, Youth, & Early Learning (originally sponsored by Representatives Goodman and Senn; by request of Department of Social and Health Services)

READ FIRST TIME 02/07/23.

1 AN ACT Relating to modifications necessary to comply with federal
2 regulations regarding dissemination of federal bureau of
3 investigation criminal history record information; and amending RCW
4 18.88B.080, 43.43.832, 43.43.837, and 74.39A.056.

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

6 **Sec. 1.** RCW 18.88B.080 and 2012 c 164 s 501 are each amended to
7 read as follows:

8 A long-term care worker disqualified from working with vulnerable
9 persons under chapter 74.39A RCW may not be certified or maintain
10 certification as a home care aide under this chapter. To allow the
11 department to satisfy its certification responsibilities under this
12 chapter, the department of social and health services shall share the
13 results of state and federal background checks conducted pursuant to
14 RCW 74.39A.056 with the department, but only to the extent such
15 dissemination and use is authorized under 28 U.S.C. Sec. 534 and
16 related federal regulations. Neither department may share the federal
17 background check results with any other state agency or person.

18 **Sec. 2.** RCW 43.43.832 and 2021 c 203 s 1 are each amended to
19 read as follows:

1 (1) The Washington state patrol identification and criminal
2 history section shall disclose conviction records as follows:

3 (a) An applicant's conviction record, upon the request of a
4 business or organization as defined in RCW 43.43.830, a
5 developmentally disabled person, or a vulnerable adult as defined in
6 RCW 43.43.830 or his or her guardian;

7 (b) The conviction record of an applicant for certification, upon
8 the request of the Washington professional educator standards board;

9 (c) Any conviction record to aid in the investigation and
10 prosecution of child, developmentally disabled person, and vulnerable
11 adult abuse cases and to protect children and adults from further
12 incidents of abuse, upon the request of a law enforcement agency, the
13 office of the attorney general, prosecuting authority, or the
14 department of social and health services; and

15 (d) A prospective client's or resident's conviction record, upon
16 the request of a business or organization that qualifies for
17 exemption under section 501(c)(3) of the internal revenue code of
18 1986 (26 U.S.C. Sec. 501(c)(3)) and that provides emergency shelter
19 or transitional housing for children, persons with developmental
20 disabilities, or vulnerable adults.

21 (2) The secretary of the department of social and health services
22 and the secretary of children, youth, and families must establish
23 rules and set standards to require specific action when considering
24 the information received pursuant to subsection (1) of this section,
25 and when considering additional information including but not limited
26 to civil adjudication proceedings as defined in RCW 43.43.830 and any
27 out-of-state equivalent, in the following circumstances:

28 (a) When considering persons for state employment in positions
29 directly responsible for the supervision, care, or treatment of
30 children, vulnerable adults, or individuals with mental illness or
31 developmental disabilities provided that: For persons residing in a
32 home that will be utilized to provide foster care for dependent
33 youth, a criminal background check will be required for all persons
34 aged sixteen and older and the department of (~~social and health~~
35 ~~services~~) children, youth, and families may require a criminal
36 background check for persons who are younger than sixteen in
37 situations where it may be warranted to ensure the safety of youth in
38 foster care;

39 (b) When considering persons for state positions involving
40 unsupervised access to vulnerable adults to conduct comprehensive

1 assessments, financial eligibility determinations, licensing and
2 certification activities, investigations, surveys, or case
3 management; or for state positions otherwise required by federal law
4 to meet employment standards;

5 (c) When licensing agencies or facilities with individuals in
6 positions directly responsible for the care, supervision, or
7 treatment of children, developmentally disabled persons, or
8 vulnerable adults, including but not limited to agencies or
9 facilities licensed under chapter 74.15 or 18.51 RCW;

10 (d) When contracting with individuals or businesses or
11 organizations for the care, supervision, case management, or
12 treatment, including peer counseling, of children, developmentally
13 disabled persons, or vulnerable adults, including but not limited to
14 services contracted for under chapter 18.20, 70.127, 70.128, 72.36,
15 or 74.39A RCW or Title 71A RCW;

16 (e) When individual providers as defined in RCW 74.39A.240 or
17 providers paid by home care agencies provide in-home services
18 involving unsupervised access to persons with physical, mental, or
19 developmental disabilities or mental illness, or to vulnerable adults
20 as defined in chapter 74.34 RCW, including but not limited to
21 services provided under chapter 74.39 or 74.39A RCW.

22 (3) The secretary of the department of children, youth, and
23 families shall investigate the conviction records, pending charges,
24 and other information including civil adjudication proceeding records
25 of current employees and of any person actively being considered for
26 any position with the department who will or may have unsupervised
27 access to children, or for state positions otherwise required by
28 federal law to meet employment standards. "Considered for any
29 position" includes decisions about (a) initial hiring, layoffs,
30 reallocations, transfers, promotions, or demotions, or (b) other
31 decisions that result in an individual being in a position that will
32 or may have unsupervised access to children as an employee, an
33 intern, or a volunteer.

34 (4) The secretary of the department of children, youth, and
35 families shall adopt rules and investigate conviction records,
36 pending charges, and other information including civil adjudication
37 proceeding records, in the following circumstances:

38 (a) When licensing or certifying agencies with individuals in
39 positions that will or may have unsupervised access to children who
40 are in child day care, in early learning programs, or receiving early

1 childhood education services, including but not limited to licensees,
2 agency staff, interns, volunteers, contracted providers, and persons
3 living on the premises who are sixteen years of age or older;

4 (b) When authorizing individuals who will or may have
5 unsupervised access to children who are in child day care, in early
6 learning programs, or receiving early childhood learning education
7 services in licensed or certified agencies, including but not limited
8 to licensees, agency staff, interns, volunteers, contracted
9 providers, and persons living on the premises who are sixteen years
10 of age or older;

11 (c) When contracting with any business or organization for
12 activities that will or may have unsupervised access to children who
13 are in child day care, in early learning programs, or receiving early
14 childhood learning education services;

15 (d) When establishing the eligibility criteria for individual
16 providers to receive state paid subsidies to provide child day care
17 or early learning services that will or may involve unsupervised
18 access to children; and

19 (e) When responding to a request from an individual for a
20 certificate of parental improvement under chapter 74.13 RCW.

21 (5) Whenever a state conviction record check is required by state
22 law, persons may be employed or engaged as volunteers or independent
23 contractors on a conditional basis pending completion of the state
24 background investigation. Whenever a national criminal record check
25 through the federal bureau of investigation is required by state law,
26 a person may be employed or engaged as a volunteer or independent
27 contractor on a conditional basis pending completion of the national
28 check. The office of financial management shall adopt rules to
29 accomplish the purposes of this subsection as it applies to state
30 employees. The department of social and health services shall adopt
31 rules to accomplish the purpose of this subsection as it applies to
32 long-term care workers subject to RCW 74.39A.056.

33 (6) (a) For purposes of facilitating timely access to criminal
34 background information and to reasonably minimize the number of
35 requests made under this section, recognizing that certain health
36 care providers change employment frequently, health care facilities
37 may, upon request from another health care facility, share copies of
38 completed Washington state criminal background inquiry information.

39 (b) Completed state criminal background inquiry information may
40 be shared by a willing health care facility only if the following

1 conditions are satisfied: The licensed health care facility sharing
2 the state criminal background inquiry information is reasonably known
3 to be the person's most recent employer, no more than twelve months
4 has elapsed from the date the person was last employed at a licensed
5 health care facility to the date of their current employment
6 application, and the state criminal background information is no more
7 than two years old.

8 (c) If state criminal background inquiry information is shared,
9 the health care facility employing the subject of the inquiry must
10 require the applicant to sign a disclosure statement indicating that
11 there has been no conviction or finding as described in RCW 43.43.842
12 since the completion date of the most recent criminal background
13 inquiry.

14 (d) Any health care facility that knows or has reason to believe
15 that an applicant has or may have a disqualifying conviction or
16 finding as described in RCW 43.43.842, subsequent to the completion
17 date of their most recent criminal background inquiry, shall be
18 prohibited from relying on the applicant's previous employer's state
19 criminal background inquiry information. A new state criminal
20 background inquiry shall be requested pursuant to RCW 43.43.830
21 through 43.43.842.

22 (e) Health care facilities that share state criminal background
23 inquiry information shall be immune from any claim of defamation,
24 invasion of privacy, negligence, or any other claim in connection
25 with any dissemination of this information in accordance with this
26 subsection.

27 (f) Health care facilities shall transmit and receive the state
28 criminal background inquiry information in a manner that reasonably
29 protects the subject's rights to privacy and confidentiality.

30 (g) Nothing in this section allows sharing of federal background
31 check information received pursuant to a federal fingerprint check
32 except as allowed by 28 U.S.C. Sec. 534 and related federal
33 regulations.

34 (7) The department of social and health services may not consider
35 any final founded finding of physical abuse or negligent treatment or
36 maltreatment of a child made pursuant to chapter 26.44 RCW that is
37 accompanied by a certificate of parental improvement or dependency as
38 a result of a finding of abuse or neglect pursuant to chapter 13.34
39 RCW that is accompanied by a certificate of parental improvement when
40 evaluating an applicant or employee's character, competency, and

1 suitability pursuant to any background check authorized or required
2 by this chapter, RCW 43.20A.710 or 74.39A.056, or any of the rules
3 adopted thereunder.

4 **Sec. 3.** RCW 43.43.837 and 2022 c 297 s 954 are each amended to
5 read as follows:

6 (1) ~~((Except as provided in subsection (2) of this section, in))~~
7 In order to determine the character, competence, and suitability of
8 ~~((any))~~ an applicant ~~((or service provider))~~ to have unsupervised
9 access to vulnerable adults, children, or juveniles, the secretary of
10 the department of social and health services ~~((and the secretary of~~
11 ~~the department of children, youth, and families may require a~~
12 ~~fingerprint-based background check through both the Washington state~~
13 ~~patrol and the federal bureau of investigation at any time, but shall~~
14 ~~require a fingerprint-based background check when the applicant or~~
15 ~~service provider has resided in the state less than three consecutive~~
16 ~~years before application, and))~~ shall require the applicant to submit
17 fingerprints for the purpose of investigating conviction records
18 through both the Washington state patrol and the federal bureau of
19 investigation when the applicant:

20 (a) ~~((Is an applicant or service provider providing services to~~
21 ~~children or people with developmental disabilities under RCW~~
22 ~~74.15.030;~~

23 (b) ~~Is an individual sixteen years of age or older who: (i) Is~~
24 ~~not under the placement and care authority of the department of~~
25 ~~children, youth, and families; and (ii) resides in an applicant or~~
26 ~~service provider's home, facility, entity, agency, or business or who~~
27 ~~is authorized by the department of children, youth, and families to~~
28 ~~provide services to children under RCW 74.15.030;~~

29 (c) ~~Is an individual who is authorized by the department of~~
30 ~~social and health services to provide services to people with~~
31 ~~developmental disabilities under RCW 74.15.030; or~~

32 (d) ~~Is an applicant or service provider providing in-home~~
33 ~~services funded by:~~

34 (i) ~~Medicaid personal care under RCW 74.09.520;~~

35 (ii) ~~Community options program entry system waiver services under~~
36 ~~RCW 74.39A.030;~~

37 (iii) ~~Chore services under RCW 74.39A.110; or~~

38 (iv) ~~Other))~~ Has resided in the state less than three consecutive
39 years before application and:

1 (i) Is applying for employment, promotion, reallocation, or
2 transfer to a position the department of social and health services
3 has identified as one that will, or may, require the applicant to
4 have unsupervised access to vulnerable adults, children, or juveniles
5 because of the nature of the work;

6 (ii) Is a contractor providing services funded by other home and
7 community long-term care programs, established pursuant to chapters
8 71A.12, 74.09, 74.39, and 74.39A RCW, administered by the department
9 of social and health services;

10 (iii) Is an individual who is authorized by the department of
11 social and health services to provide services to people with
12 developmental disabilities under RCW 74.15.030; or

13 (iv) Is an employee of an area agency on aging or federally
14 recognized Indian tribe, or an employee of a contractor of an area
15 agency on aging or federally recognized Indian tribe, that will, or
16 may, have unsupervised access to vulnerable adults, children, or
17 juveniles when engaging in the activities described in RCW
18 74.09.520(5);

19 (b) Is an employee at any secure facility operated by the
20 department of social and health services under chapter 71.09 RCW;

21 (c) Is applying to be an adult family home licensee, entity
22 representative, or resident manager under chapter 70.128 RCW;

23 (d) Is applying to be an assisted living facility licensee or
24 administrator under chapter 18.20 RCW;

25 (e) Is applying to be an enhanced services facility licensee or
26 administrator under chapter 70.97 RCW;

27 (f) Is applying to be a certified community residential services
28 and supports provider or administrator under chapter 71A.12 RCW; or

29 (g) Has been categorized by the department as a high-risk
30 provider in accordance with 42 C.F.R. Secs. 455.434 and 455.450.

31 (2) Long-term care workers, as defined in RCW 74.39A.009, who are
32 hired after January 7, 2012, are subject to fingerprint-based
33 background checks under RCW 74.39A.056.

34 (3) In order to determine the character, competence, and
35 suitability of an applicant or service provider to have unsupervised
36 access to children or juveniles, the secretary of the department of
37 children, youth, and families shall require the applicant or service
38 provider to submit fingerprints for the purpose of investigating
39 conviction records through both the Washington state patrol and the

1 federal bureau of investigation when the applicant or service
2 provider:

3 (a) Is applying for a license under RCW 74.15.030 or is an adult
4 living in a home where a child is placed;

5 (b) Is applying for employment or already employed at a group
6 care facility, regardless of whether the applicant is working
7 directly with children;

8 (c) Is newly applying for an agency license, is newly licensed,
9 is an employee of an agency that is newly licensed, or will newly
10 have unsupervised access to children in child care, pursuant to RCW
11 43.216.270; or

12 (d) Has resided in the state less than three consecutive years
13 before application; and:

14 (i) Is applying for employment, promotion, reallocation, or
15 transfer to a position the department of children, youth, and
16 families has identified as one that will, or may, require the
17 applicant to have unsupervised access to children or juveniles
18 because of the nature of the work;

19 (ii) Is a business or individual contracted to provide services
20 to children or people with developmental disabilities under RCW
21 74.15.030; or

22 (iii) Is an individual 16 years of age or older who: (A) Is not
23 under the placement and care authority of the department of children,
24 youth, and families; and (B) resides in an applicant or service
25 provider's home, facility, entity, agency, or business or who is
26 authorized by the department of children, youth, and families to
27 provide services to children under RCW 74.15.030.

28 (4) To satisfy the shared background check requirements provided
29 for in RCW 43.216.270 and 43.20A.710, the department of children,
30 youth, and families and the department of social and health services
31 ((shall share federal fingerprint-based)) may share state background
32 check results with each other as permitted under the law, and may
33 share federal fingerprint background checks only as permitted under
34 28 U.S.C. Sec. 534, 34 U.S.C. Sec. 40316 and their related federal
35 regulations. The purpose of this provision is to allow both
36 departments to fulfill their joint background check responsibility of
37 checking any individual who may have unsupervised access to
38 vulnerable adults, children, or juveniles. Neither department may
39 share the federal background check results with any other state

1 agency or person except as allowed by 28 U.S.C. Sec. 534 and related
2 federal regulations.

3 ((~~(4)~~)) (5) The secretary of the department of children, youth,
4 and families shall require a fingerprint-based background check
5 through the Washington state patrol identification and criminal
6 history section and the federal bureau of investigation when the
7 department seeks to approve an applicant or service provider for a
8 foster or adoptive placement of children in accordance with federal
9 and state law. Fees charged by the Washington state patrol and the
10 federal bureau of investigation for fingerprint-based background
11 checks shall be paid by the department of children, youth, and
12 families for applicants and service providers providing foster care
13 as required in RCW 74.15.030.

14 (~~((5) Any secure facility operated by the department of social~~
15 ~~and health services or the department of children, youth, and~~
16 ~~families under chapter 71.09 RCW shall require applicants and service~~
17 ~~providers to undergo a fingerprint-based background check through the~~
18 ~~Washington state patrol identification and criminal history section~~
19 ~~and the federal bureau of investigation.))~~

20 (6) (~~(Service providers and service provider applicants)~~)
21 Applicants of the department of social and health services, except
22 for (~~those~~) long-term care workers (~~exempted in subsection (2) of~~
23 ~~this section~~) subject to RCW 74.39A.056, who are required to
24 complete a fingerprint-based background check may be hired for a one
25 hundred twenty-day provisional period as allowed under law or program
26 rules when:

27 (a) A fingerprint-based background check is pending; and

28 (b) The applicant (~~or service provider~~) is not disqualified
29 based on the immediate result of the background check.

30 (7) Fees charged by the Washington state patrol and the federal
31 bureau of investigation for fingerprint-based background checks shall
32 be paid by the applicable department for applicants (~~or service~~
33 ~~providers~~) providing:

34 (a) Services to people with a developmental disability under RCW
35 74.15.030;

36 (b) In-home services funded by medicaid personal care under RCW
37 74.09.520;

38 (c) Community options program entry system waiver services under
39 RCW 74.39A.030;

40 (d) Chore services under RCW 74.39A.110;

1 (e) Services under other home and community long-term care
2 programs, established pursuant to chapters 74.39 and 74.39A RCW,
3 administered by the department of social and health services or the
4 department of children, youth, and families;

5 (f) Services in, or to residents of, a secure facility under RCW
6 71.09.115; and

7 (g) For fiscal year 2023, applicants for child care and early
8 learning services to children under RCW 43.216.270.

9 (8) (~~Service providers~~) Applicants licensed under RCW 74.15.030
10 must pay fees charged by the Washington state patrol and the federal
11 bureau of investigation for conducting fingerprint-based background
12 checks.

13 (9) Department of children, youth, and families (~~service~~
14 ~~providers licensed~~) licensees under RCW 74.15.030 may not pass on
15 the cost of the background check fees to their (~~applicants~~)
16 employees unless the individual is determined to be disqualified due
17 to the background information.

18 (10) The department of social and health services and the
19 department of children, youth, and families shall develop rules
20 identifying the financial responsibility of service providers,
21 applicants, and the respective department for paying the fees charged
22 by law enforcement to roll, print, or scan fingerprints-based for the
23 purpose of a Washington state patrol or federal bureau of
24 investigation fingerprint-based background check.

25 (~~(11) For purposes of this section, unless the context plainly~~
26 ~~indicates otherwise:~~

27 ~~(a) "Applicant" means a current or prospective department of~~
28 ~~social and health services, department of children, youth, and~~
29 ~~families, or service provider employee, volunteer, student, intern,~~
30 ~~researcher, contractor, or any other individual who will or may have~~
31 ~~unsupervised access because of the nature of the work or services he~~
32 ~~or she provides. "Applicant" includes but is not limited to any~~
33 ~~individual who will or may have unsupervised access and is:~~

34 ~~(i) Applying for a license or certification from the department~~
35 ~~of social and health services or the department of children, youth,~~
36 ~~and families;~~

37 ~~(ii) Seeking a contract with the department of social and health~~
38 ~~services, the department of children, youth, and families, or a~~
39 ~~service provider;~~

1 ~~(iii) Applying for employment, promotion, reallocation, or~~
2 ~~transfer;~~

3 ~~(iv) An individual that a department of social and health~~
4 ~~services or department of children, youth, and families client or~~
5 ~~guardian of a department of social and health services or department~~
6 ~~of children, youth, and families client chooses to hire or engage to~~
7 ~~provide services to himself or herself or another vulnerable adult,~~
8 ~~juvenile, or child and who might be eligible to receive payment from~~
9 ~~the department of social and health services or the department of~~
10 ~~children, youth, and families for services rendered; or~~

11 ~~(v) A department of social and health services or department of~~
12 ~~children, youth, and families applicant who will or may work in a~~
13 ~~department-covered position.~~

14 ~~(b) "Authorized" means the department of social and health~~
15 ~~services or the department of children, youth, and families grants an~~
16 ~~applicant, home, or facility permission to:~~

17 ~~(i) Conduct licensing, certification, or contracting activities;~~
18 ~~(ii) Have unsupervised access to vulnerable adults, juveniles,~~
19 ~~and children;~~

20 ~~(iii) Receive payments from a department of social and health~~
21 ~~services or department of children, youth, and families program; or~~

22 ~~(iv) Work or serve in a department of social and health services~~
23 ~~or department of children, youth, and families-covered position.~~

24 ~~(c) "Secretary" means the secretary of the department of social~~
25 ~~and health services.~~

26 ~~(d) "Secure facility" has the meaning provided in RCW 71.09.020.~~

27 ~~(e) "Service provider" means entities, facilities, agencies,~~
28 ~~businesses, or individuals who are licensed, certified, authorized,~~
29 ~~or regulated by, receive payment from, or have contracts or~~
30 ~~agreements with the department of social and health services or the~~
31 ~~department of children, youth, and families to provide services to~~
32 ~~vulnerable adults, juveniles, or children. "Service provider"~~
33 ~~includes individuals whom a department of social and health services~~
34 ~~or department of children, youth, and families client or guardian of~~
35 ~~a department of social and health services or department of children,~~
36 ~~youth, and families client may choose to hire or engage to provide~~
37 ~~services to himself or herself or another vulnerable adult, juvenile,~~
38 ~~or child and who might be eligible to receive payment from the~~
39 ~~department of social and health services or the department of~~
40 ~~children, youth, and families for services rendered.)~~)

1 **Sec. 4.** RCW 74.39A.056 and 2021 c 203 s 3 are each amended to
2 read as follows:

3 (1) (a) All long-term care workers shall be screened through state
4 and federal background checks in a uniform and timely manner to
5 verify that they do not have a history that would disqualify them
6 from working with vulnerable persons. The department must process
7 background checks for long-term care workers and ~~((make—the~~
8 ~~information available to employers, prospective employers, and others~~
9 ~~as authorized by law)) based on this screening, inform prospective
10 employers whether screened applicants are eligible or ineligible for
11 employment. Records obtained from the federal bureau of investigation
12 fingerprint identification records system, or its successor program,
13 may not be disseminated except as allowed by 28 U.S.C. Sec. 534 and
14 related federal regulations.~~

15 (b) (i) For long-term care workers hired on or after January 7,
16 2012, the background checks required under this section shall include
17 checking against the federal bureau of investigation fingerprint
18 identification records system or its successor program. The
19 department shall require these long-term care workers to submit
20 fingerprints for the purpose of investigating conviction records
21 through both the Washington state patrol and the federal bureau of
22 investigation. The department shall not pass on the cost of these
23 criminal background checks to the workers or their employers.

24 (ii) A long-term care worker who is not disqualified by the state
25 background check can work and have unsupervised access pending the
26 results of the federal bureau of investigation fingerprint background
27 check as allowed by rules adopted by the department.

28 (c) The department shall share state and federal background check
29 results with the department of health in accordance with RCW
30 18.88B.080, but only to the extent such dissemination and use is
31 authorized under 28 U.S.C. Sec. 534 and related federal regulations.

32 (d) ~~((Background check screening required under this section and~~
33 ~~department rules is not required for an employee of a consumer~~
34 ~~directed employer if all of the following circumstances apply:~~

35 ~~(i) The individual has an individual provider contract with the~~
36 ~~department;~~

37 ~~(ii) The last background check on the contracted individual~~
38 ~~provider is still valid under department rules and did not disqualify~~
39 ~~the individual from providing personal care services;~~

1 ~~(iii) Employment by the consumer directed employer is the only~~
2 ~~reason a new background check would be required; and~~

3 ~~(iv) The department's background check results have been shared~~
4 ~~with the consumer directed employer.~~

5 ~~(e))~~ The department may require a fingerprint-based background
6 check through both the Washington state patrol and the federal bureau
7 of investigation at any time.

8 (2) A provider may not be employed in the care of and have
9 unsupervised access to vulnerable adults if:

10 (a) The provider is on the vulnerable adult abuse registry or on
11 any other registry based upon a finding of abuse, abandonment,
12 neglect, or financial exploitation of a vulnerable adult;

13 (b) On or after October 1, 1998, the department of children,
14 youth, and families, or its predecessor agency, has made a founded
15 finding of abuse or neglect of a child against the provider. If the
16 provider has received a certificate of parental improvement under
17 chapter 74.13 RCW pertaining to the finding, the provider is not
18 disqualified under this section;

19 (c) A disciplining authority, including the department of health,
20 has made a finding of abuse, abandonment, neglect, or financial
21 exploitation of a minor or a vulnerable adult against the provider;
22 or

23 (d) A court has issued an order that includes a finding of fact
24 or conclusion of law that the provider has committed abuse,
25 abandonment, neglect, or financial exploitation of a minor or
26 vulnerable adult. If the provider has received a certificate of
27 parental improvement under chapter 74.13 RCW pertaining to the
28 finding of fact or conclusion of law, the provider is not
29 disqualified under this section.

30 (3) The department shall establish, by rule, a state registry
31 which contains identifying information about long-term care workers
32 identified under this chapter who have final substantiated findings
33 of abuse, neglect, financial exploitation, or abandonment of a
34 vulnerable adult as defined in RCW 74.34.020. The rule must include
35 disclosure, disposition of findings, notification, findings of fact,
36 appeal rights, and fair hearing requirements. The department shall
37 disclose, upon request, final substantiated findings of abuse,
38 neglect, financial exploitation, or abandonment to any person so
39 requesting this information. This information must also be shared

1 with the department of health to advance the purposes of chapter
2 18.88B RCW.

3 (4) For the purposes of this section, "provider" means:

4 (a) An individual provider as defined in RCW 74.39A.240;

5 (b) An employee, licensee, or contractor of any of the following:
6 A home care agency licensed under chapter 70.127 RCW; a nursing home
7 under chapter 18.51 RCW; an assisted living facility under chapter
8 18.20 RCW; an enhanced services facility under chapter 70.97 RCW; a
9 certified resident services and supports agency licensed or certified
10 under chapter 71A.12 RCW; an adult family home under chapter 70.128
11 RCW; or any long-term care facility certified to provide medicaid or
12 medicare services; and

13 (c) Any contractor of the department who may have unsupervised
14 access to vulnerable adults.

15 (5) The department shall adopt rules to implement this section.

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