
Early Learning & Human Services Committee

HB 1490

Brief Description: Concerning fingerprint-based background checks.

Sponsors: Representatives Obras, Gregerson, Peterson and Cortes; by request of Department of Social and Health Services.

Brief Summary of Bill

- Adds specificity and definitions to the provisions outlining the current roles and circumstances that require a fingerprint-based background check.
- Applies the narrowing criteria that a Department of Social and Health Services applicant or service provider must have lived in the state for less than three years in order to trigger a mandatory state and federal background check to all categories of applicants and service providers, rather than just a subset.
- Establishes background check requirements for those working in transitional care facilities.

Hearing Date: 2/5/25

Staff: Omeara Harrington (786-7136).

Background:

Criminal History Information.

The Washington State Patrol's (WSP) Criminal History Records Section is the central repository for criminal history record information for Washington. Criminal history record information

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consists of fingerprint-based records and disposition information submitted by law enforcement agencies and courts throughout the state. The WSP facilitates background checks for other agencies, employers, and the public.

Federal Bureau of Investigation (FBI) records are compiled from records received from local, state, federal, tribal, and international criminal justice agencies. Federal law allows for the exchange of criminal records and related information within the possession of the FBI with authorized officials of the federal government, states, Indian tribes, cities, and penal and other institutions. Exchange of these records is only for official use and is subject to cancellation if dissemination is made outside of authorized recipients. The FBI must approve the state background check laws before it will grant access to its criminal history database.

Background Check Requirements.

Persons with certain criminal history, pending charges, or history of other disqualifying negative action are disqualified from working in positions where they will have unsupervised access to children or vulnerable adults. A person must pass a fingerprint-based state and federal background check through the WSP and the FBI before working in a long-term care or child care position with such unsupervised access. Additionally, the Department of Social and Health Services (DSHS) and the Department of Children, Youth, and Families (DCYF) must require a fingerprint-based background check of persons applying for certain positions.

The DSHS must require a fingerprint-based background check of an individual who:

- has resided in the state less than three years and is a contractor providing services funded by certain home and community long-term care programs; is authorized to provide services to persons with developmental disabilities; or is applying for or is an employee of an area agency on aging or federally recognized Indian tribe, or an employee of a contractor for one of these entities, that may have unsupervised access to vulnerable adults, children, or juveniles;
- is applying for or is an employee of certain secure facilities;
- is applying to be an adult family home licensee, entity representative, or resident manager;
- is applying to be an assisted living facility or enhanced services facility licensee or administrator;
- is applying to be a certified community residential services and supports provider or administrator;
- has been categorized as a high-risk provider; or
- is applying for or is an employee of a residential habilitation center or other state-operated program for individuals with developmental disabilities.

The DCYF must require a fingerprint-based background check of an individual who:

- is applying for a license to provide certain foster or maternity care services, or is an adult living in a home where a child is placed;
- is applying for employment or already employed at a group care facility, regardless of whether the applicant is working directly with children;
- is newly applying for a child care license, is newly licensed, is an employee of a child care

agency that is newly licensed, or will newly have unsupervised access to children in child care; or

- has resided in the state less than three consecutive years before application and is applying for employment, promotion, reallocation, or transfer to a position that may require unsupervised access to children or juveniles; is a business or individual contracted to provide developmental disabilities services; or is a person age 16 or older who is residing with or under the care of an applicant or service provider providing foster care or other services.

Transitional Care Facilities.

A transitional care facility is described by the DSHS as a staff-secure and voluntary facility offering specialized treatment for suitable youth. Lake Burien Transitional Care Facility is a new therapeutic facility established by the DSHS that was developed to support youth, ages 13 to 17, with intellectual and developmental disabilities, autism spectrum disorder, behavioral health needs, and other co-occurring disorders such as substance use disorder and mental illness.

Summary of Bill:

Provisions that direct the Department of Social and Health Services (DSHS) and the Department of Children, Youth, and Families (DCYF) to require a fingerprint-based background check of persons applying for certain positions are reframed and made more specific.

Persons must be fingerprinted when they are applying to work unsupervised as a DSHS or DCYF long-term care service provider, direct care worker, child placement provider, high-risk provider, residential habilitation center worker, transitional care facility worker, or a contracted home and community-based service provider, as must individuals over 16 years old living in home of child placement provider or companion home provider. The DSHS may require an applicant to submit fingerprints for the purpose of investigating conviction records through the Washington State Patrol (WSP) at any time they apply for one of these positions or when there is new information regarding a pending charge, criminal conviction, and/or negative action.

The requirement that a DSHS applicant or service provider must submit fingerprints for the purpose of investigating conviction records through both the WSP and Federal Bureau of Investigation (FBI) when the applicant or service provider has resided in the state less than three consecutive years before application applies to all categories outlined in current law, rather than just a subset. Individuals 16 years of age or older residing in a certified community residential companion home, and persons applying for employment by a transitional care facility, are added to the current law categories. Definitions are added to specify the roles of administrators for assisted living facilities, enhanced service facilities, and community residential service providers, who are required to undergo background checks. It is specified that employees of residential habilitation centers seeking a job class series change must undergo a background check.

Additional definitions are added to the provisions governing background check requirements for persons in certain roles.

"Long-term care workers" are defined to include all persons who provide paid, hands-on, personal care services for the elderly or persons with disabilities, including but not limited to individual providers of home care services; direct care workers employed by home care agencies or a consumer directed employer; providers of home care services to persons with developmental disabilities; all direct care workers in state-licensed assisted living facilities, enhanced services facilities, and adult family homes; respite care providers; direct care workers employed by community residential service businesses; and any other direct care worker providing home or community-based services to the elderly or persons with functional disabilities or developmental disabilities.

"Transitional care facility" is defined as the staff secure and voluntary facility offering specialized treatment and habilitative interventions for eligible youth. It is further defined as a state-operated residential treatment facility for children with developmental disabilities.

"Unsupervised" means not in the presence of: (1) another employee or volunteer from the same business or organization as the applicant; or (2) any relative or guardian of any of the children or persons with developmental disabilities or vulnerable adults to which the applicant has access while they are employed or involved with the business or organization.

Other non-substantive, restructuring changes are made.

Appropriation: None.

Fiscal Note: Requested on January 27, 2025.

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