

**WAC 388-06B-0020 What definitions apply to this chapter?** "**Applicant**" means a person who has applied for work in a department-covered position, including current employees, volunteers, students, or interns serving or working in a similarly situated position or any person who must meet state and federal background check requirements to work in a department-covered position.

"**Background check central unit**" means the program responsible for conducting background checks for the department of social and health services.

"**Child or children**" means any person under eighteen years of age.

"**Department**" means the department of social and health services.

"**Department-covered position**" means a position that has:

(1) Unsupervised access to vulnerable adults, juveniles, or children; or

(2) Access to the internal databases in the background check central unit and the division of disability determination services.

"**Division of disability determination services**" means the DSHS program contracted to perform medical determinations for the Social Security Administration in accordance with Social Security Administration regulations and requirements.

"**DSHS**" means the department of social and health services.

"**Employee**" means a permanent or nonpermanent department of social and health services employee who is appointed to a department-covered position for any reason including but not limited to: Transfer, promotion, demotion, elevation, layoff, reassignment, reallocation, and reversion.

"**Juvenile**" means a person under the age of twenty-one under the juvenile rehabilitation administration's (JRA) jurisdiction, or under the department of corrections' jurisdiction while placed in a JRA facility.

"**Pending charge or pending action**" means a charge or action awaiting a decision by a court or a civil adjudication proceeding. The term pending charge also includes specific types of court action where the defendant has agreed to certain conditions. Examples include a deferred prosecution or a stipulated order of continuance on an agreed condition. The department considers these types of cases on an individual case-by-case basis.

"**Permanent employee**" means a department employee who has successfully completed a Washington general service probationary period or Washington management service review period after appointment to a permanent position.

"**Sensitive positions**" means positions in the division of disability determination services and the background check central unit with access to federal databases or databases containing background check information.

"**Unsupervised access**" means a DSHS employee, volunteer or student intern who:

(1) Works, volunteers or serves in a setting, such as an institution, that provides residential services to vulnerable adults, juveniles and children;

(2) Works, volunteers or serves in a position where, during the course of his or her employment, the employee may transport, or visit the residence of, a vulnerable adult, juvenile or child; or

(3) Works, volunteers or serves in a position, other than one described in subsection (1) and (2) in this section, where the employee may be left alone with a vulnerable adult, juvenile or child. "Left

alone" does not include the possibility of a public encounter, or public interaction.

**"Vulnerable adult"** means a person who is a client of the department who is:

- (1) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or
- (2) Found incapacitated under chapter 11.88 RCW; or
- (3) Developmentally disabled as defined under RCW 71A.10.020; or
- (4) Admitted to any facility that is operated by the department;

or

(5) Receiving services from a department contracted, authorized, certified, licensed, or individual provider, including those certified under chapter 70.96A RCW; or

(6) Receiving services through home health, hospice, or home care agencies required to be licensed under chapter 70.127 RCW; or

(7) Admitted for detoxification in a certified chemical dependency treatment facility in accordance with chapter 70.96A RCW; or

(8) A vulnerable adult as defined in chapter 74.34 RCW.

[Statutory Authority: RCW 43.43.832, 43.20A.710 and 43.43.837. WSR 15-05-030, § 388-06B-0020, filed 2/10/15, effective 3/13/15.]