

SENATE BILL REPORT

SB 5421

As Reported By Senate Committee On:
Human Services & Corrections, February 16, 1995

Title: An act relating to background checks.

Brief Description: Modifying the definition of "vulnerable adult" for background check purposes.

Sponsors: Senator Fraser.

Brief History:

Committee Activity: Human Services & Corrections: 2/9/95, 2/16/95 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5421 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice, Schow, Smith and Strannigan.

Staff: Andrea McNamara (786-7483)

Background: All prospective employees and certain volunteers of businesses, organizations, and governmental agencies are subject to background checks if they will have responsibility for the education, training, treatment, supervision, housing, or recreational activities of vulnerable adults.

A vulnerable adult is currently defined as a person 60 years old or older who does not have the functional, mental or physical ability to care for him or herself, or a person who is a patient in a state mental hospital.

Summary of Substitute Bill: For the purposes of requesting and receiving background checks, the definition of a vulnerable adult is expanded to include all individuals, regardless of age, who lack the functional, mental, or physical ability to care for themselves.

The Washington State Patrol (WSP) is authorized to disclose the results of a background check directly to a developmentally disabled person or a vulnerable adult upon their request.

"Criminal abandonment" is added to the list of crimes against children or other persons that must be reported by the WSP as part of the background check.

A technical change clarifies that the Department of Licensing is not the disciplining authority for the businesses and professions (other than real estate brokers and salespersons) that are required to report their final disciplinary decisions as part of the background checks.

Substitute Bill Compared to Original Bill: The original bill expanded the definition of a vulnerable adult by removing the age restriction of 60 years or older but did not specify whether the expanded definition would apply elsewhere in statute or solely for the purposes of requesting and receiving background checks.

The original bill did not address who can request or receive background checks nor did it address who is responsible for reporting disciplinary review board decisions.

Appropriation: None.

Fiscal Note: Requested on January 28, 1995.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: With the increasing movement toward home-based care for the developmentally disabled and individuals who lack the functional, mental, or physical ability to care for themselves, the need for qualified employees and volunteers is also increasing. Many adults who meet the criteria for being "vulnerable" except that they are under the age of 60 need to hire personal assistants. They deserve to have access to the background checks that are currently only available when the person being served is 60 or older.

Testimony Against: None.

Testified: Senator Karen Fraser (pro); Donna Patrick, Developmental Disabilities Council (pro).