

ANALYSIS OF HOUSE BILL 1990

Concerning background checks for certain potential state employees.

SPONSORS: Representatives Dy and Ballasiotes.

BACKGROUND: The Department of Social and Health Services investigates the background of any person applying for a license to operate an agency that cares for, supervises or treats vulnerable adults, children or the developmentally disabled. Background checks of applicants for employment with these agencies are also conducted. The checks are made through the Washington State Patrol (WSP) database. Investigations examine the individual history for:

- Conviction for offense against children or other persons;
- Conviction for crimes relating to financial exploitation of a vulnerable adult;
- Findings of child abuse in a civil action;
- Issuance of a protection order for a vulnerable adult and
- Discipline or board decisions.

Background checks are conducted on the following employees:

- Physicians, nurses, nurse aids, health care technicians, social workers;
- Providers of home health, hospice and state-funded in-home care providers;
- School teachers, teacher aids, school bus drivers, custodians;
- Facility administrators, administrators, providers, owners, board members, resident managers;
- Administrative support, cooks, housekeeping staff;
- Child care providers, workers, foster grandparents, foster parents and
- Case managers, volunteer and student interns.

The facilities covered under vulnerable protection laws include nursing homes, boarding homes, child care facilities, developmentally disabled care facilities, and facilities for the mentally ill. Checks are also conducted on providers of in-home services for the physically disabled, mentally ill, mentally impaired and developmentally disabled. Employees of both in-home services providers and facilities may be employed conditionally while a background check is pending.

Background checks are conducted by the DSHS through a link with the WSP's database. The actual background check of an applicant by the department takes less than a week, but application may be delayed at the regional licensing office for longer. If a background investigation involves checking the thumb print of an individual, a request must be made to the WSP, which may take much longer to respond.

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Current criminal history background checks that are required for state employees only apply to those who provide direct care, treatment, and supervision of these populations. Area Agency on Aging employees such as social workers, financial eligibility specialists, or case management contractors do not provide direct care however, may have unsupervised access to clients that are not currently required to have a background check.

SUMMARY: Requires that criminal history background checks be conducted on prospective state employees and state contractors in positions involving unsupervised access to children, developmentally disabled persons and vulnerable adults. An emergency is declared.