
Early Learning & Human Services Committee

HB 2535

Brief Description: Concerning review of licensing, unsupervised access to children, and employment decisions by the children's administration.

Sponsors: Representatives Freeman, Goodman, Walsh, Kochmar, S. Hunt, Wylie, Stonier, Haler, Scott, Sawyer, Kagi, Green and Haigh.

Brief Summary of Bill

- Allows individuals who are denied licensure, employment, or unsupervised access to children by the Children's Administration division of the Department of Social and Health Services based upon results of a background check to request an internal review of that denial.
- Requires the Department of Social and Health Services (DSHS) to provide individuals who have been denied employment with an agency that contracts with DSHS based on the results of a background check the same notice, right to an adjudicative proceeding, and evidentiary standards as individuals or agencies whose licenses have been suspended, revoked, or modified.

Hearing Date: 1/29/14

Staff: Luke Wickham (786-7146).

Background:

The Secretary of the Department of Social and Health Services (DSHS) maintains different lists of crimes and negative actions that would prevent an individual from working or serving with unsupervised access to vulnerable adults, juveniles, and children. The crimes included on this list are designated either as permanent disqualifiers or disqualifiers for five years, after which an overall assessment of the person's character, competence, and suitability to have unsupervised

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access will determine denial. Individuals with pending charges contained on the list are denied unsupervised access until a determination is made by a court.

Negative actions on the DSHS Secretary's list include:

- a finding that an individual abused, neglected, exploited, or abandoned a vulnerable adult, juvenile, or child issued by an agency, Administrative Law Judge, or court of law;
- termination, revocation, suspension, or denial of a license, certification, and/or state or federal contract;
- relinquishment of a license, certification, or contract in lieu of an agency negative action;
- revocation, suspension, denial, or restriction placed on a professional license; and
- Department of Health disciplinary authority finding.

The DSHS may grant an administrative waiver for a person with a disqualifying crime or negative action. This process is initiated by a DSHS social worker, licenser, or contract manager, who may determine that allowing an individual with a listed crime or negative action would not jeopardize the child's health or safety.

The Children's Administration (CA) contracts with various individuals and agencies to provide services. The services provided through these contracting agencies and individuals include child placement, family preservation services, behavior rehabilitation, and incredible years parent training, among others.

The Department of Social and Health Services is required to provide notice, the right to an adjudicative proceeding, and evidentiary standards to individuals or agencies whose licenses are suspended, revoked, modified, or not renewed. These adjudicative proceedings are subject to the Administrative Procedures Act.

Summary of Bill:

Individuals who are denied licensure, employment, or unsupervised access to children by the CA based upon results of a background check may request an internal administrative review. This review must include the opportunity to submit evidence of the individual's rehabilitation and showing that allowing the individual unsupervised access to a child would not jeopardize the child's health or safety. This review must further include participation by the CA management staff who are not in the direct chain of command with contracts staff and be completed within 60 days.

The DSHS is required to provide the same notice, right to an adjudicative proceeding, and evidentiary standards to a person who has been denied employment with a contracted agency by the CA based on the result of a background check as individuals or agencies whose licenses have been suspended, revoked, modified, or not renewed by the Secretary of the DSHS.

Appropriation: None.

Fiscal Note: Requested on January 22, 2014.

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