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**SUBSTITUTE SENATE BILL 5261**

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**State of Washington**

**53rd Legislature**

**1993 Regular Session**

**By** Senate Committee on Health & Human Services (originally sponsored by Senators Fraser, Deccio and Talmadge)

Read first time 02/09/93.

1 AN ACT Relating to state background checks on persons providing  
2 services to physically disabled or mentally impaired persons; amending  
3 RCW 43.20A.710; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 43.20A.710 and 1989 c 334 s 13 are each amended to  
6 read as follows:

7 The secretary shall investigate the conviction records, pending  
8 charges or disciplinary board final decisions of: (1) Persons being  
9 considered for state employment in positions directly responsible for  
10 the supervision, care, or treatment of children~~((, mentally ill~~  
11 ~~persons))~~ or individuals with mental illness or ((developmentally  
12 ~~disabled persons))~~ developmental disabilities; and (2) individual  
13 providers who are paid by the state for in-home services and hired by  
14 individuals with physical disabilities, developmental disabilities,  
15 mental illness, or mental impairment. The investigation may include an  
16 examination of state and national criminal identification data and the  
17 child abuse and neglect register established under chapter 26.44 RCW.  
18 The secretary shall provide the results of the state background check  
19 on individual providers to the individuals with physical disabilities,

1 developmental disabilities, mental illness, or mental impairment who  
2 hired them and to their legal guardians, if any. The secretary shall  
3 use the information solely for the purpose of determining the  
4 character, suitability, and competence of these applicants except that  
5 in the case of individuals with physical disabilities, developmental  
6 disabilities, mental illness, or mental impairment who employ  
7 individual providers, the determination of character, suitability, and  
8 competence of applicants shall be made by the individual with a  
9 physical disability, developmental disability, mental illness, or  
10 mental impairment. Criminal justice agencies shall provide the  
11 secretary such information as they may have and that the secretary may  
12 require for such purpose. If necessary, persons may be employed on a  
13 conditional basis pending completion of the background investigation.

14 NEW SECTION. **Sec. 2.** This act applies prospectively only.

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