

1 2055-S AMS WEST S4546.1

2 SHB 2055 - S AMD

3 By Senators West and Niemi

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5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 43.43.842 and 1989 c 334 s 11 are each amended to  
8 read as follows:

9 The secretary of social and health services and the secretary of  
10 health shall adopt additional requirements for the licensure or  
11 relicensure of agencies or facilities which provide care and treatment  
12 to vulnerable adults. These additional requirements shall ensure that  
13 any person associated with a licensed agency or facility having direct  
14 contact with a vulnerable adult shall not have been: (1) Convicted of  
15 a crime against persons as defined in RCW 43.43.830, except as provided  
16 in this section; (2) convicted of crimes relating to financial  
17 exploitation (~~((of a vulnerable adult))~~) as defined in RCW 43.43.830,  
18 except as provided in this section; (3) found in any disciplinary board  
19 final decision to have abused a vulnerable adult under RCW 43.43.830;  
20 or (4) the subject in a protective proceeding under chapter 74.34 RCW.  
21 The rules adopted under this section shall permit the licensee to  
22 consider the criminal history of an applicant for employment in a  
23 licensed facility when the applicant has one or more convictions for a  
24 past offense and:

25 (a) The offense was simple assault, assault in the fourth degree,  
26 or the same offense as it may be renamed, and three or more years have  
27 passed between the most recent conviction and the date of application  
28 for employment;

1       (b) The offense was assault in the third degree, or the same  
2 offense as it may be renamed, and five or more years have passed  
3 between the most recent conviction and the date of application for  
4 employment;

5       (c) The offense was prostitution, or the same offense as it may be  
6 renamed, and three or more years have passed between the most recent  
7 conviction and the date of application for employment;

8       (d) The offense was theft in the third degree, or the same offense  
9 as it may be renamed, and three or more years have passed between the  
10 most recent conviction and the date of application for employment;

11       (e) The offense was theft in the second degree, or the same offense  
12 as it may be renamed, and five or more years have passed between the  
13 most recent conviction and the date of application for employment;

14       (f) The offense was forgery, or the same offense as it may be  
15 renamed, and five or more years have passed between the most recent  
16 conviction and the date of application for employment.

17       The offenses set forth in (a) through (f) of this subsection do not  
18 automatically disqualify an applicant from employment by a licensee.  
19 Nothing in this section may be construed to require the employment of  
20 any person against a licensee's judgment.

21       In consultation with law enforcement personnel, the secretary of  
22 social and health services and the secretary of health shall  
23 investigate the conviction record and the protection proceeding record  
24 information under chapter 43.43 RCW of each agency or facility and its  
25 staff under their respective jurisdictions seeking licensure or  
26 relicensure. The ((secretary)) secretaries shall use the information  
27 solely for the purpose of determining eligibility for licensure or  
28 relicensure. Criminal justice agencies shall provide the ((secretary))  
29 secretaries such information as they may have and that the  
30 ((secretary)) secretaries may require for such purpose."

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4 On page 1, line 1 of the title, after "checks;" strike the  
5 remainder of the title and insert "and amending RCW 43.43.842."