

HOUSE BILL REPORT

HB 2622

*As Reported By House Committee on:
Human Services*

Title: An act relating to state background checks on persons providing services to physically disabled or mentally impaired persons.

Brief Description: Modifying background checks on persons providing services for physically disabled or mentally impaired persons.

Sponsor(s): Representatives Fraser, Winsley, Leonard, J. Kohl, Paris, Mitchell and Bowman.

Brief History:

Reported by House Committee on:
Human Services, February 6, 1992, DPS.

**HOUSE COMMITTEE ON
HUMAN SERVICES**

Majority Report: *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 11 members: Representatives Leonard, Chair; Riley, Vice Chair; Winsley, Ranking Minority Member; Tate, Assistant Ranking Minority Member; Anderson; Beck; Brekke; Hargrove; Hochstatter; R. King; and H. Myers.

Staff: Bonnie Austin (786-7107).

Background:

The Department of Social and Health Services (DSHS) is required to run background checks on a variety of state employees who are directly responsible for the care of children, mentally ill persons, developmentally disabled persons, and vulnerable adults over 60. However, background checks are not required of individual care providers who provide services to physically disabled or mentally impaired persons under the state's Chore Service, Community Options Program Entry System (COPEs), and personal care programs.

Under these programs, the state pays for personal care services to physically disabled and mentally impaired clients. However, DSHS does not hire or screen applicants for these positions. Physically disabled and mentally

impaired clients of these programs are responsible for finding their own employees. Some physically disabled and mentally impaired clients do not know a family member or friend who can provide these services, so they have to place advertisements in local publications and hire people they don't know.

Summary of Substitute Bill: The Department of Social and Health Services is required to run background checks on individual providers hired by physically disabled and mentally impaired persons. This requirement does not apply retroactively, but only to those individual care providers who apply for positions on or after the effective date of this act.

Substitute Bill Compared to Original Bill: The provision requiring that applicants pay for the background check is deleted. DSHS is required to provide the results of the background check to the physically disabled or mentally impaired client. Clients may only use this information to determine the applicant's suitability for the position. Other clarifying changes are made.

Fiscal Note: Requested fiscal note on the substitute bill February 6, 1992.

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

Testimony For: Clients of these programs are at least as vulnerable as other clients of the department. These clients fit the classic victim profile. In these cases, the perpetrator maneuvers his or her way into a position of trust with the victim. These are precisely the kinds of positions they would look for. Clients need to be protected from this potential danger.

Testimony Against: Applicants should not have to pay for the background check. DSHS already runs background checks on other employee applicants and does not charge them.

Witnesses: Representative Karen Fraser, Prime Sponsor (support); Bob Fisher, Washington Education Association (support); Gail McGaffick, Home Care Association of Washington (support); Rick Jensen, Washington State Patrol (support); Lonnie Johns-Brown, Washington Association for the Education of Young Children (oppose); Sharon Foster, Council of Youth Agencies (support); Mike Redman, Washington Association of Prosecuting Attorneys (oppose); and Stacie Larson, Alliance for the Mentally Ill (support).