

FINAL BILL REPORT

SHB 2055

Synopsis as Enacted

C 104 L 92

Brief Description: Providing for criminal history background checks.

By House Committee on Health Care (originally sponsored by Representative Braddock).

House Committee on Health Care

Senate Committee on Health & Long-Term Care

Background: In 1987, the Washington State Patrol Criminal Identification System began providing criminal background information on prospective employees and volunteers who have unsupervised access to children and developmentally disabled persons. Conviction records for offenses against persons, court findings of abuse and neglect in civil cases, and disciplinary board final decisions may be disclosed to organizations, businesses, schools districts, and the state agencies who deal with children or developmentally disabled persons.

In 1989, the Washington State Patrol Criminal Identification System was expanded to include persons found by a court or a disciplinary board to have abused or financially exploited a vulnerable adult. A vulnerable adult is a person 60 years of age or older who is functionally mentally or physically unable to care for himself or herself or is a patient in a state hospital for the mentally ill.

The Department of Social and Health Services requires a background check on all staff or volunteers of an agency licensed or relicensed to care for and treat vulnerable adults. This may include chore workers, or aides working in nursing homes or other health care facilities. Persons who have been convicted of any of the following criminal offenses cannot be licensed or relicensed to work in these settings: vehicular homicide, simple assault, prostitution, custodial interference, promoting pornography, selling erotic material to a minor, and "crimes against persons," which include murder, kidnapping, rape, and burglary. Persons convicted of "crimes relating to financial exploitation," which include extortion, theft, robbery, and forgery, cannot be employed if the victim of the offense was a vulnerable adult. However, in practice it is not possible to determine whether the victim of a "crime relating to

financial exploitation" offense was a vulnerable adult, as no record of the identity of the victim is kept in the criminal history records.

The background check process can take approximately two months to complete. Because of health employee shortages, many agencies and hospitals hire applicants prior to receiving the completed background check. If the check reveals that the individual has committed a violation that prevents him or her from working with vulnerable persons, the employee must be immediately fired. This process has created problems for both the health care industry and many individuals trying to find employment in entry level health care positions.

Summary: To determine disqualification for employment because of a criminal conviction, a length of time is established that must elapse between a person's conviction for specified crimes and the person's application for employment in a position providing services to vulnerable adults in an agency or facility. The time periods vary from three to five years depending on the gravity of the offense. Persons convicted of committing the following crimes may not work with vulnerable adults for a period of three years: simple assault, assault in the fourth degree, prostitution, and theft in the third degree. Conviction for the following crimes results in a five-year disqualification: theft in the second degree and forgery.

Votes on Final Passage:

House	88	5	
Senate	34	12	(Senate amended)
House	93	3	(House concurred)

Effective: June 11, 1992