

HOUSE BILL REPORT

SSB 5261

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 the background check requirement on persons providing services for physically disabled or mentally impaired persons.

Sponsors: Senate Committee on Health & Human Services (originally sponsored by Senators Fraser, Deccio and Talmadge).

Brief History:

Reported by House Committee on:
Human Services, April 1, 1993, DPA.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: Do pass as amended. Signed by 9 members: Representatives Leonard, Chair; Cooke, Ranking Minority Member; Brown; Karahalios; Lisk; Padden; Patterson; Thibaudeau; and Wolfe.

Staff: David Knutson (786-7146).

Background: Under current law, the secretary of the Department of Social and Health Services (DSHS) must investigate the criminal records of persons the state may hire to care for children, the mentally ill and individuals with developmental disabilities. Agencies licensed by the state to serve these groups must also have a criminal background check performed on applicants whose work will involve contact with vulnerable people. This information must be used to determine the suitability of the applicant for employment. Applicants who have committed certain crimes, including crimes against children or other persons, or crimes relating to financial exploitation, cannot be employed if they will have contact with vulnerable populations.

There are no similar provisions for those individual service providers who are paid by the state, but who are hired directly by individuals with physical disabilities, mental

illness or mental impairment, or their guardians, under individual provider programs such as Community Option Program Enhancement System (COPES) and Chore Service.

Criminal record checks are provided by the Washington State Patrol (WSP). The usual charge for each background check requested by a private party is \$25. However, there is interagency cooperation between DSHS and the WSP which allows DSHS to obtain this information directly through the ACCESS system at no additional cost to the WSP. Investigations that require checking FBI files cost the WSP more to perform.

Summary of Amended Bill: The secretary of the Department of Social and Health Services must investigate the criminal record of individual providers who are paid by the state, but who are hired by physically disabled, mentally ill or impaired persons. This information must be provided to the person who hired the provider and that person's legal guardian, if any. If necessary, persons may be employed on a conditional basis.

Amended Bill Compared to Substitute Bill: Individuals who currently have personal care providers may request a background check at their reassessment.

Fiscal Note: Not requested.

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

Testimony For: Individuals who hire personal care staff should be allowed to have background checks on their employee.

Testimony Against: None.

Witnesses: Kathy Leitch, Department of Social and Health Services; Mary Jo Wilcox, Washington Assembly for Citizens with Disabilities; Jeff Peterson, DIGNITY; and Toby Olson, Governor's Committee on Disability Issues.