

SENATE BILL REPORT

SB 5261

AS REPORTED BY COMMITTEE ON HEALTH & HUMAN SERVICES,
FEBRUARY 4, 1993

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

SPONSORS: Senators Fraser, Deccio and Talmadge

SENATE COMMITTEE ON HEALTH & HUMAN SERVICES

Majority Report: That Substitute Senate Bill No. 5261 be substituted therefor, and the substitute bill do pass.

Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Haugen, McAuliffe, McDonald, Moyer, Prentice, Quigley, Sheldon, L. Smith, and Winsley.

Staff: Martin Lovinger (786-7443)

Hearing Dates: February 2, 1993; February 4, 1993

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 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:

The Secretary of the Department of Social and Health Services (DSHS) 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.

This act applies prospectively only.

EFFECT OF PROPOSED SUBSTITUTE:

Statutory language is changed to put people instead of their disability first. The bill requires background checks for individual providers hired by individuals with developmental disabilities. It is specified that the individual providers covered by this bill are being hired to perform in-home services. It is clarified that the individuals seeking the services of individual providers make the suitability and hiring determinations about those individual providers.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

This bill is necessary to make vulnerable people safe from the potential danger in their own homes. It expresses concern for vulnerable people who live in the community and will contribute to their safety and quality of life. It is not burdensome, but will provide important information in making good hiring decisions. The mandatory aspect of the background checks will prevent providers from bullying vulnerable people into waiving the investigation.

TESTIMONY AGAINST: None

TESTIFIED: PRO: Jeff Peterson, DIGNITY; Tim Erickson, Washington State Patrol; Rick Phillips, Washington State Patrol; Mary Jo Wilcox, Washington Assembly for Citizens with Disabilities; Ken Stark, DSHS