

HOUSE BILL ANALYSIS

HB 1946

Title: *An act relating to increasing protections for vulnerable persons.*

Brief Description: *Increasing protections for vulnerable persons.*

Sponsors: *Representatives Kenney, Dyer, Cody, Van Luven, Chopp, Cooke, Keiser, Anderson, Cole, Cooper, Voloria, Hatfield, Constantine, Morris, O'Brien, Ogden, Blalock, Costa, Conway and Tokuda.*

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Meeting Date: *February 25, 1997.*

Bill Analysis Prepared by: *Doug Ruth (786-7134).*

Background: *The use of background checks in licensing and employment decisions related to the care of children, developmentally disabled, and vulnerable adults is governed by a mix of statutes. One of these statutes allows the Washington State Patrol to disclose to any business, organization, or individual that provides services to vulnerable adults and children the relevant background of the persons applying for employment.*

A second statute permits the department to conduct a background check of any person applying for a license or employment with agencies that care for, supervise or treat vulnerable adults, children, or the developmentally disabled. The check examines the individual's history for:

- convictions for offenses against children or other persons;*
- convictions for crimes relating to financial exploitation of a vulnerable adult;*
- findings of child abuse in a civil action;*
- issuance of a protection order for a vulnerable adult; and*
- disciplinary board final decisions.*

Employees undergoing a background check may be employed conditionally while the background check proceeds. Background checks are conducted on employees or licensees of nursing homes, boarding homes, child care facilities, developmentally disabled care facilities, and facilities for the mentally ill.

A third statute directs the department to check the conviction records, pending charges, and disciplinary board decisions of providers of in-home services to the

physically disabled, the mentally ill, the mentally impaired, and the developmentally disabled. If the department employs the provider, the department decides if the applicant's background makes him/her suitable for the position. If the person being cared for employs the provider, he or she makes the decision. Either may employ a person conditionally while the background check is proceeding.

Nursing pools are specifically regulated by statute. Nursing pools are required to be registered and to carry liability insurance.

Summary of Bill: *The Washington State Patrol is required to disclose the criminal history record of any applicant for employment or licensure of any business, organization, or individual that provides services to vulnerable adults and children.*

The entities that are required to conduct criminal background checks is expanded to also cover adult family homes, boarding homes, veterans' homes, nursing pools, long-term care personnel, all developmental disability services, and licensed home health, hospice, and home care agencies.

The instances in which an applicant for employment may be conditionally employed pending a criminal background check are narrowed. Conditionally employed applicants are required to have three positive references. Applicants who are relatives of the person they wish to work with are also subject to a criminal background check. If the background check shows them to be unsuitable, the person may chose to hire them regardless, but may not use state funds.

The group of nurses in nursing pools that are required to have state credentials is expanded to include nursing pools serving adult family homes, group homes, boarding homes, and all long-term care services.

The department is required to adopt requirements for individuals who work independently with vulnerable adults, or with any agency or organization providing temporary, unsupervised services to vulnerable adults.

The state's liability for lawfully releasing criminal background information is limited.

Appropriation: *None.*

Fiscal Note: *None requested.*

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