

SENATE BILL REPORT

2SHB 2637

As Reported By Senate Committee On:
Human Services & Corrections, February 24, 2000

Title: An act relating to background checks on persons in contact with vulnerable adults.

Brief Description: Requiring background checks on persons who will be in contact with vulnerable adults.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Tokuda, Conway, Cody, Schual-Berke, McIntire, Campbell, Rockefeller, Kenney, Haigh, O'Brien, Kagi, Hurst, Anderson and Van Luven; by request of Department of Social and Health Services).

Brief History:

Committee Activity: Human Services & Corrections: 2/24/2000 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Sheahan, Stevens and Zarelli.

Staff: Joan K. Mell (786-7447)

Background: The Department of Social and Health Services is required to conduct background checks through the Washington State Patrol for state employees who are directly responsible for the supervision, care, or treatment of children, or individuals with mental illness or developmental disabilities; and individual providers who are paid by the state for in-home services and hired by individuals with physical disabilities, developmental disabilities, mental illness, or mental impairment.

The department is required to investigate conviction records, which are crimes against persons, pending charges, or disciplinary board final decisions.

Under the laws governing background checks at the Washington State Patrol, the department is required to consider an applicant's record for convictions of offenses against children or other persons, convictions for crimes relating to financial exploitation involving a vulnerable adult, adjudications of child abuse in a civil action, the issuance of a protection order and disciplinary board final decisions.

An individual's history must be considered by the department if the person will be a state employee directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults; will work in a state licensed facility in a position directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults; or any independent contractor

providing care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults.

Background checks may take more than a week to complete, particularly if a fingerprint check is involved, or a FBI check.

Summary of Amended Bill: The Washington State Patrol provisions regarding background checks are amended to expand the kind of provider for whom the department must consider the provider's criminal history. The department must consider the record for convictions of offenses against children or other persons, convictions for crimes relating to financial exploitation involving a vulnerable adult, adjudications of child abuse in a civil action, the issuance of a protection order and disciplinary board final decisions for any person considered for state positions involving unsupervised access to vulnerable adults to conduct comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards. The department must consider the same record for entities with whom it contracts for case management services for children, developmentally disabled persons, or vulnerable adults, and individual providers paid by the state or home care agencies.

The department is required to investigate the conviction records, pending charges, or disciplinary board final decisions of persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of vulnerable adults. This is expanded to include vulnerable adults, when previously the requirement pertained to children, individuals with mental illness or developmental disabilities. And, the department is required to investigate the same records for persons being considered for state employment in positions involving unsupervised access to vulnerable adults to conduct comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards. Providers who are paid by home care agencies to provide in-home services involving unsupervised access to vulnerable adults must now have background checks. Fingerprint checks are done on individual providers or home agency providers residing in-state less than three years. Registry provisions are eliminated.

Amended Bill Compared to Second Substitute Bill: The 30-day requirement is stricken. Technical changes are added to make provisions consistent. Provisions regarding fingerprint checks are added.

Background checks must be completed within one month and a 120-day work permit is available pending clearance under a federal check.

Appropriation: None.

Fiscal Note: Requested on February 4, 2000.

Effective Date: Ninety days after adjournment of session in which bill is passed; however, the bill is null and void if not funded in the budget.

Testimony For: Clarification and additions are needed to background check provisions to add checks for certain providers and reduce the delays. Changes would benefit the health, safety, and welfare of the public.

Testimony Against: None.

Testified: PRO: Barbara Stone, DSHS; Janet Adams, ARC of WA; Kathy Keith, DSHS-AASA.