

SENATE BILL REPORT

SB 5555

As January 24, 2000

Title: An act relating to protecting children, vulnerable adults, and other consumers of health care by using background checks.

Brief Description: Requiring background checks of health care practitioners.

Sponsors: Senators Kohl-Welles, Hargrove, Long, Thibaudeau and Prentice.

Brief History:

Committee Activity: Health & Long-Term Care: 2/8/99; 1/26/00.

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Staff: Joan K. Mell (786-7447)

Background: Currently, the Department of Health licenses health care providers, including doctors, nurses, dentists, counselors, speech pathologists, veterinarians, and others for a total of 51 different health professions and over 220,000 providers.

Department licensing includes certification and registration. Certification is not an exclusive practice limitation, but means providers are covered by the Uniform Disciplinary Act and can only use the certificate credential in their name if they have a certificate. Registration means providers are on a list at the department and are covered by the Uniform Disciplinary Act.

Licensing applications require the applicant to report criminal history information, but the department does not conduct a criminal background check through the State Patrol for each applicant.

Various laws and rules identify specific criminal offenses for which individuals must be disqualified from employment or from receiving a credential. Some offenses are identified as automatic and permanent disqualifiers; others disqualify people for a period of time; and still other offenses may disqualify people at the discretion of the agency. The disqualifiers vary depending on the agency and type of employment or license sought.

The Washington State Patrol maintains a fingerprint database of felony arrests and the subsequent dispositions of those arrests for offenses committed in Washington State. The primary purpose of this database is to assist law enforcement and other criminal justice agencies with the administration of the criminal justice system.

Background check inquiries can be made of the state database by the patrol using either a name and date of birth or a set of fingerprints. Fingerprint-based checks are more accurate and complete, but also are more time consuming and costly to process. Name and date of birth checks while less expensive, carry a higher risk of inaccurate or incomplete results.

Access to national conviction data from the Federal Bureau of Investigation (FBI) is regulated by federal law. Under the terms of the federal law, state laws authorizing use of FBI data must meet the approval of the FBI.

Summary of Bill: The Department of Health is granted statutory authority to deny licenses to health professionals based upon criminal background check information. Background checks are at state and federal levels and may require fingerprinting.

Health professionals are disqualified permanently from holding a license if their conviction records include a serious violent offense, sex offense, or any felony offense of sexual exploitation of a minor, criminal mistreatment of a child, or sale or purchase of a minor. Federal equivalent crimes are included.

Health professionals are disqualified for 10 years for violent offenses, sex-related offenses, malicious harassment, residential burglary, theft in the first degree, unlawful issuance of checks, and fraud. Federal equivalent crimes are included.

Prior to license revocation the department shall provide an opportunity for a brief adjudicative proceeding.

Appropriation: None.

Fiscal Note: Available.

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