

SENATE BILL REPORT

SSB 6401

As Passed Senate, February 15, 2000

Title: An act relating to protecting vulnerable adults.

Brief Description: Protecting vulnerable adults.

Sponsors: Senate Committee on Health & Long-Term Care (originally sponsored by Senators Kohl-Welles, Costa, Hargrove, Winsley, Rasmussen and McAuliffe; by request of Governor Locke).

Brief History:

Committee Activity: Health & Long-Term Care: 1/19/2000, 2/2/2000 [DPS-WM].

Ways & Means: 2/7/00; 2/8/00 [DPS (HEA)].

Passed Senate, 2/15/2000, 48-0.

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 6401 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin and Winsley.

Staff: Rhoda Jones (786-7198)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 6401 as recommended by Committee on Health & Long-Term Care be substituted therefor, and the substitute bill do pass.

Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Honeyford, Kline, Kohl-Welles, Long, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Winsley and Wojahn.

Staff: Tim Yowell (786-7435)

Background: Under current law, the Department of Social and Health Services (DSHS) is required to seek criminal background information from any employee, contracted individual, or employee of a licensed agency or facility, who is directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults. These include individuals who are paid by the state for in-home services and hired by individuals with physical disabilities, developmental disabilities, mental illness or mental impairment.

Background checks disclose convictions for crimes against children or other persons, financial exploitation of vulnerable persons, civil findings of child abuse, any protection

orders against the applicant, disciplinary board final decisions, and criminal charges filed subsequent to a disciplinary board final decision.

Individuals listed above who are found to have committed these offenses are permanently disqualified from employment. If individuals contract with providers who have criminal backgrounds, DSHS is authorized to withhold payment.

The Washington State Patrol maintains a fingerprint database of felony arrests and the outcomes of those arrests for offenses committed in Washington State. Access to national conviction data from the Federal Bureau of Investigation (FBI) is regulated by federal law.

In 1999 the Legislature authorized DSHS to establish by rule a registry of persons who serve as personal care aides– for people with functional disabilities under contract with the department. The department maintains a registry of nurse aids who work in nursing homes. Their qualifications and any negative history is registered there. Currently, this program does not extend to other care settings, including in-home care, adult family homes and boarding homes.

Summary of Bill: The department is directed to seek federal and state background checks on any individual provider or home care agency provider who has lived in Washington State less than three years and whose employment allows for unsupervised access to a vulnerable adult. Drug-related crimes are added to the list of disqualifying crimes. These include a drug conviction related to the manufacture, delivery or possession with intent to manufacture or deliver a controlled substance.

The personal care aide registry is repealed. Due process provisions for that registry are also repealed.

Appropriation: None.

Fiscal Note: Requested on January 11, 2000.

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

Testimony For (Health & Long-Term Care): This institutes new protections for vulnerable people who rely on others for their survival. With concerns: There is not adequate due process for workers whose name might end up on the registry.

Testimony Against (Health & Long-Term Care): None.

Testified (Health & Long-Term Care): PRO: Richard Dorsett, Assn. of Area Agencies on Aging; Dick VanWagenen, Governor’s Policy Office; Art Wang, Office of Administrative Hearings; Kary Hyre, LTCOP; CONCERNS: Lauri St. Ours, Nor. ALFA; Deb Murphy, WHCA; Majken Ryherd, WA State Assn. of Home Care Services; Bill Day, Adult Family Home Assn.; Jeff Larson, WA State Residential Care Council.

Testimony For (Ways & Means): The bill provides an essential safeguard for the vulnerable people who receive state-funded home care services.

Testimony Against (Ways & Means): None.

Testified (Ways & Means): Senator Jeanne Kohl-Welles, prime sponsor.