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**ENGROSSED SUBSTITUTE SENATE BILL 5606**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles and Long; by request of Department of Social and Health Services)

READ FIRST TIME 02/26/01.

1       AN ACT Relating to making the background check requirements for  
2 employees consistent with background check requirements for service  
3 providers, agencies, and entities serving vulnerable adults and  
4 children; adding a new section to chapter 9.96A RCW; adding new  
5 sections to chapter 72.40 RCW; adding a new section to chapter 41.06  
6 RCW; creating new sections; and declaring an emergency.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8       NEW SECTION.   **Sec. 1.** It is the intent of the legislature to  
9 authorize the department of social and health services to investigate  
10 the background of current and future state employees to the same extent  
11 and with the same effect as it has authorized the state to investigate  
12 the background and exclude from the provision of service current and  
13 future care providers, independent contractors, volunteers, and others  
14 receiving state dollars when the state employee works or will work in  
15 a position that has or may have unsupervised access to any person under  
16 the age of eighteen, juveniles under department of social and health  
17 services' supervision who may be as old as twenty-one, vulnerable  
18 adults as currently defined in statute, and vulnerable persons who may  
19 be any age, but lack the ability to care for themselves. The

1 department of social and health services must coordinate with the  
2 department of personnel to develop rules that address the procedures  
3 for undertaking background checks, and specifically what action would  
4 be taken against a current employee who is disqualified from his or her  
5 current position because of a background check not previously  
6 performed. Current employees would not be subject to a check under the  
7 provisions of this act until one year from the effective date of this  
8 act.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.96A RCW  
10 to read as follows:

11 This chapter is not applicable to the department of social and  
12 health services when employing a person, who in the course of his or  
13 her employment, has or may have unsupervised access to any person who  
14 is under the age of eighteen, who is under the age of twenty-one and  
15 has been sentenced to a term of confinement under the supervision of  
16 the department of social and health services under chapter 13.40 RCW,  
17 who is a vulnerable adult under chapter 74.34 RCW, or who is a  
18 vulnerable person. For purposes of this section "vulnerable person"  
19 means an adult of any age who lacks the functional, mental, or physical  
20 ability to care for himself or herself.

21 NEW SECTION. **Sec. 3.** A new section is added to chapter 72.40 RCW  
22 to read as follows:

23 The state school for the deaf and the state school for the blind  
24 shall require a record check through the Washington state patrol  
25 criminal identification system under RCW 43.43.830 through 43.43.834,  
26 10.97.030, and 10.97.050 and through the federal bureau of  
27 investigation before hiring an employee who will have regularly  
28 scheduled unsupervised access to children. The record check shall  
29 include a fingerprint check using a complete Washington state criminal  
30 identification fingerprint card. The requesting school shall provide  
31 a copy of the record report to the applicant. When necessary,  
32 applicants may be employed on a conditional basis pending completion of  
33 the investigation. If the applicant has had a record check within the  
34 previous two years, the school may waive the requirement.

35 NEW SECTION. **Sec. 4.** A new section is added to chapter 72.40 RCW  
36 to read as follows:

1       The state school for the deaf and the state school for the blind  
2 may adopt rules to implement this act.

3       NEW SECTION.   **Sec. 5.** A new section is added to chapter 41.06 RCW  
4 to read as follows:

5       The board shall amend any existing rules established under RCW  
6 41.06.475 and adopt rules developed in cooperation and agreement with  
7 the department of social and health services to implement the  
8 provisions of this act.

9       NEW SECTION.   **Sec. 6.** Any background check performed on current  
10 employees under this act shall not occur until one year from the  
11 effective date of this act.

12       NEW SECTION.   **Sec. 7.** This act is necessary for the immediate  
13 preservation of the public peace, health, or safety, or support of the  
14 state government and its existing public institutions, and takes effect  
15 immediately.

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