
SUBSTITUTE HOUSE BILL 2431

State of Washington

59th Legislature

2006 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Campbell, Morrell, Ericks, Moeller, Springer, B. Sullivan, Simpson, Green, Sells, O'Brien and Lantz)

READ FIRST TIME 2/7/06.

1 AN ACT Relating to health professions background checks; amending
2 RCW 18.130.310; adding new sections to chapter 18.130 RCW; adding a new
3 section to chapter 43.70 RCW; and providing effective dates.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.130 RCW
6 to read as follows:

7 (1) This section applies to individuals who apply for an initial
8 license under this chapter on or after the effective date of this
9 section.

10 (2) The department shall adopt rules:

11 (a) To require a state background check through the state patrol on
12 each applicant for an initial license. The background check may be
13 fingerprint-based at the discretion of the department; and

14 (b) To specify those situations where a background check under (a)
15 of this subsection is inadequate and an applicant for an initial
16 license must obtain an electronic fingerprint-based national background
17 check through the state patrol and federal bureau of investigation.
18 Situations where a background check is inadequate may include instances

1 where an applicant has lived out-of-state recently or where the
2 applicant has a criminal record in Washington.

3 (3) The background check required under subsection (2) of this
4 section must be completed before the license is issued.

5 (4) The department shall:

6 (a) Require the applicant to submit full sets of fingerprints if
7 necessary to complete the background check;

8 (b) Require the applicant to submit any fees, except as precluded
9 by RCW 43.70.110, and other information required by the state patrol;

10 (c) Notify the applicant of the results of the background check;
11 and

12 (d) Restrict use of the background check results to determining the
13 individual's suitability for a license.

14 (5) When deciding whether or not to issue a license, the
15 disciplining authority shall consider the results of a background check
16 that reveal a conviction for any criminal offense that constitutes
17 unprofessional conduct under this chapter or the chapters specified in
18 RCW 18.130.040(2).

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.130 RCW
20 to read as follows:

21 (1) This section applies to license holders.

22 (2) The department shall adopt rules to require a review of the
23 federal national practitioner data bank and the federal healthcare
24 integrity and protection data bank for each license holder for a
25 profession that is covered by either of these data banks.

26 (3) The department shall establish a schedule for conducting the
27 reviews in subsection (2) of this section. The schedule shall require
28 all license holders to have a review conducted within four years of the
29 effective date of this section and at least every four years
30 thereafter. If three successive reviews conducted at regular intervals
31 over the following twelve years show that no reports that constitute
32 unprofessional conduct under this chapter or the chapters specified in
33 RCW 18.130.040(2) have been reported, no further reviews are required
34 unless the department has probable cause to believe that such a review
35 is warranted.

36 (4) The department shall:

1 (a) Require the license holder to submit any fees or information
2 necessary to complete a review required by subsection (2) of this
3 section;

4 (b) Restrict use of the results of any review to determining the
5 individual's suitability for a license.

6 (5) The disciplining authority shall initiate appropriate
7 disciplinary actions against an individual if a review required by
8 subsection (2) of this section and any subsequent investigation reveals
9 activity that constitutes unprofessional conduct under this chapter or
10 the chapters specified in RCW 18.130.040(2).

11 (6) The license holder shall report to the disciplining authority
12 and to the individual's employer any conviction occurring after the
13 effective date of this section for a criminal offense that constitutes
14 unprofessional conduct under this chapter or the chapters specified in
15 RCW 18.130.040(2). The report must be made within fourteen days of the
16 conviction.

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.130 RCW
18 to read as follows:

19 Nothing in this act limits the authority of the disciplining
20 authority to investigate the suitability of an individual for holding
21 a license.

22 **Sec. 4.** RCW 18.130.310 and 1989 1st ex.s. c 9 s 313 are each
23 amended to read as follows:

24 Subject to RCW 40.07.040, the disciplinary authority shall submit
25 a biennial report to the legislature on its proceedings during the
26 biennium, detailing the number of complaints made, investigated, and
27 adjudicated and manner of disposition. In addition, the report shall
28 provide data on the department's background check and health
29 professional data bank review activities conducted under sections 1 and
30 2 of this act and the effectiveness of those activities in identifying
31 potential license holders who may not be qualified to practice safely.
32 The report may include recommendations for improving the disciplinary
33 process, including proposed legislation. The department shall develop
34 a uniform report format.

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.70 RCW
2 to read as follows:

3 To implement this act, the department may increase application and
4 renewal fees by amounts that exceed the fiscal growth factor under RCW
5 43.135.055.

6 NEW SECTION. **Sec. 6.** If any provision of this act or its
7 application to any person or circumstance is held invalid, the
8 remainder of the act or the application of the provision to other
9 persons or circumstances is not affected.

10 NEW SECTION. **Sec. 7.** (1) Section 1 of this act takes effect July
11 1, 2007.

12 (2) Section 2 of this act takes effect January 1, 2008.

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