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SENATE BILL 5295

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State of Washington

59th Legislature

2005 Regular Session

By Senators Mulliken, Hargrove and Stevens

Read first time 01/19/2005. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to unique identifying numbers for agencies  
2 providing care for children, expectant mothers, or persons with  
3 developmental disabilities; and reenacting and amending RCW 74.15.030.

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

5 **Sec. 1.** RCW 74.15.030 and 2000 c 162 s 20 and 2000 c 122 s 40 are  
6 each reenacted and amended to read as follows:

7 The secretary shall have the power and it shall be the secretary's  
8 duty:

9 (1) In consultation with the children's services advisory  
10 committee, and with the advice and assistance of persons representative  
11 of the various type agencies to be licensed, to designate categories of  
12 facilities for which separate or different requirements shall be  
13 developed as may be appropriate whether because of variations in the  
14 ages, sex and other characteristics of persons served, variations in  
15 the purposes and services offered or size or structure of the agencies  
16 to be licensed hereunder, or because of any other factor relevant  
17 thereto;

18 (2) In consultation with the children's services advisory  
19 committee, and with the advice and assistance of persons representative

1 of the various type agencies to be licensed, to adopt and publish  
2 minimum requirements for licensing applicable to each of the various  
3 categories of agencies to be licensed.

4 The minimum requirements shall be limited to:

5 (a) Ensuring that each agency licensed under this chapter shall  
6 have a unique identifying number issued upon application that shall be  
7 used in all transactions with the department and which can be used to  
8 track and trace all payments made to that agency. The unique  
9 identifying number assigned shall not be the agency's social security  
10 number;

11 (b) The size and suitability of a facility and the plan of  
12 operation for carrying out the purpose for which an applicant seeks a  
13 license;

14 (~~(b)~~) (c) The character, suitability and competence of an agency  
15 and other persons associated with an agency directly responsible for  
16 the care and treatment of children, expectant mothers or  
17 developmentally disabled persons. In consultation with law enforcement  
18 personnel, the secretary shall investigate the conviction record or  
19 pending charges and dependency record information under chapter 43.43  
20 RCW of each agency and its staff seeking licensure or relicensure. No  
21 unfounded allegation of child abuse or neglect as defined in RCW  
22 26.44.020 may be disclosed to a child-placing agency, private adoption  
23 agency, or any other provider licensed under this chapter. In order to  
24 determine the suitability of applicants for an agency license,  
25 licensees, their employees, and other persons who have unsupervised  
26 access to children in care, and who have not resided in the state of  
27 Washington during the three-year period before being authorized to care  
28 for children shall be fingerprinted. The fingerprints shall be  
29 forwarded to the Washington state patrol and federal bureau of  
30 investigation for a criminal history records check. The fingerprint  
31 criminal history records checks will be at the expense of the licensee  
32 except that in the case of a foster family home, if this expense would  
33 work a hardship on the licensee, the department shall pay the expense.  
34 The licensee may not pass this cost on to the employee or prospective  
35 employee, unless the employee is determined to be unsuitable due to his  
36 or her criminal history record. The secretary shall use the  
37 information solely for the purpose of determining eligibility for a  
38 license and for determining the character, suitability, and competence

1 of those persons or agencies, excluding parents, not required to be  
2 licensed who are authorized to care for children, expectant mothers,  
3 and developmentally disabled persons. Criminal justice agencies shall  
4 provide the secretary such information as they may have and that the  
5 secretary may require for such purpose;

6 ~~((+e))~~ (d) The number of qualified persons required to render the  
7 type of care and treatment for which an agency seeks a license;

8 ~~((+d))~~ (e) The safety, cleanliness, and general adequacy of the  
9 premises to provide for the comfort, care and well-being of children,  
10 expectant mothers or developmentally disabled persons;

11 ~~((+e))~~ (f) The provision of necessary care, including food,  
12 clothing, supervision and discipline; physical, mental and social well-  
13 being; and educational, recreational and spiritual opportunities for  
14 those served;

15 ~~((+f))~~ (g) The financial ability of an agency to comply with  
16 minimum requirements established pursuant to chapter 74.15 RCW and RCW  
17 74.13.031; and

18 ~~((+g))~~ (h) The maintenance of records pertaining to the admission,  
19 progress, health and discharge of persons served;

20 (3) To investigate any person, including relatives by blood or  
21 marriage except for parents, for character, suitability, and competence  
22 in the care and treatment of children, expectant mothers, and  
23 developmentally disabled persons prior to authorizing that person to  
24 care for children, expectant mothers, and developmentally disabled  
25 persons. However, if a child is placed with a relative under RCW  
26 13.34.065 or 13.34.130, and if such relative appears otherwise suitable  
27 and competent to provide care and treatment the criminal history  
28 background check required by this section need not be completed before  
29 placement, but shall be completed as soon as possible after placement;

30 (4) On reports of alleged child abuse and neglect, to investigate  
31 agencies in accordance with chapter 26.44 RCW, including child day-care  
32 centers and family day-care homes, to determine whether the alleged  
33 abuse or neglect has occurred, and whether child protective services or  
34 referral to a law enforcement agency is appropriate;

35 (5) To issue, revoke, or deny licenses to agencies pursuant to  
36 chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the  
37 category of care which an agency is authorized to render and the ages,  
38 sex and number of persons to be served;

1           (6) To prescribe the procedures and the form and contents of  
2 reports necessary for the administration of chapter 74.15 RCW and RCW  
3 74.13.031 and to require regular reports from each licensee;

4           (7) To inspect agencies periodically to determine whether or not  
5 there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the  
6 requirements adopted hereunder;

7           (8) To review requirements adopted hereunder at least every two  
8 years and to adopt appropriate changes after consultation with the  
9 child care coordinating committee and other affected groups for child  
10 day-care requirements and with the children's services advisory  
11 committee for requirements for other agencies; and

12           (9) To consult with public and private agencies in order to help  
13 them improve their methods and facilities for the care of children,  
14 expectant mothers and developmentally disabled persons.

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