

ESSB 5774 - H AMD TO H AMD (H-3373.1/07) **539**
By Representative Campbell

WITHDRAWN 04/10/2007

1 On page 25, after line 15 of the amendment, insert the following:

2 "NEW SECTION. **Sec. 11.** A new section is added to chapter 18.130
3 RCW to read as follows:

4 (1)(a) The department shall establish requirements for each
5 applicant for an initial license to obtain a state background check
6 through the state patrol prior to the issuance of any license. The
7 background check may be fingerprint-based at the discretion of the
8 department.

9 (b) The department shall specify those situations where a
10 background check under (a) of this subsection is inadequate and an
11 applicant for an initial license must obtain an electronic fingerprint-
12 based national background check through the state patrol and federal
13 bureau of investigation. Situations where a background check is
14 inadequate may include instances where an applicant has recently lived
15 out-of-state or where the applicant has a criminal record in
16 Washington. The secretary shall issue a temporary practice permit to
17 an applicant who must have a national background check conducted if the
18 background check conducted under (a) of this subsection does not reveal
19 a criminal record in Washington, and if the applicant meets the
20 provisions of RCW 18.130.075.

21 (2) The department shall adopt rules to require license holders to
22 report to the disciplining authority any arrests, convictions, or other
23 determinations or findings by a law enforcement agency occurring after
24 the effective date of this section for a criminal offense. The report
25 must be made within fourteen days of the conviction.

26 (3) The department shall conduct an annual review of a
27 representative sample of all license holders who have previously
28 obtained a background check through the department. The selection of
29 the license holders to be reviewed shall be representative of all
30 categories of license holders and geographic locations.

1 (4)(a) When deciding whether or not to issue an initial license,
2 the disciplining authority shall consider the results of any background
3 check conducted pursuant to subsection (1) of this section that reveals
4 a conviction for any criminal offense that constitutes unprofessional
5 conduct under this chapter or the chapters specified in RCW
6 18.130.040(2) or a series of arrests that when considered together
7 demonstrate a pattern of behavior that, without investigation, may pose
8 a risk to the safety of the license holder's patients.

9 (b) If the background check conducted pursuant to subsection (3) of
10 this section reveals any information related to unprofessional conduct
11 that has not been previously disclosed to the disciplining authority,
12 it shall take appropriate disciplinary action against the license
13 holder.

14 (5) The department shall:

15 (a) Require the applicant or license holder to submit full sets of
16 fingerprints if necessary to complete the background check;

17 (b) Require the applicant to submit any fees for background check
18 activities conducted pursuant to subsection (1) of this section, except
19 as precluded by RCW 43.70.110, and other information required by the
20 state patrol;

21 (c) Notify the applicant of the results of the background check.
22 If any background check reveals a criminal record, the department shall
23 send the applicant a copy of the record upon request; and

24 (d) Restrict use of the background check results to determining the
25 individual's suitability for a license and to conducting disciplinary
26 functions.

27 **Sec. 12.** RCW 18.130.310 and 1989 1st ex.s. c 9 s 313 are each
28 amended to read as follows:

29 Subject to RCW 40.07.040, the disciplinary authority shall submit
30 a biennial report to the legislature on its proceedings during the
31 biennium, detailing the number of complaints made, investigated, and
32 adjudicated and manner of disposition. In addition, the report must
33 provide data on the department's background check activities conducted
34 under section 11 of this act and the effectiveness of those activities
35 in identifying potential license holders who may not be qualified to
36 practice safely. The report may include recommendations for improving

1 the disciplinary process, including proposed legislation. The
2 department shall develop a uniform report format.

3 NEW SECTION. **Sec. 13.** A new section is added to chapter 18.130
4 RCW to read as follows:

5 To implement section 11 of this act, the department may increase
6 application and renewal fees by amounts that exceed the fiscal growth
7 factor under RCW 43.135.055."

8 Renumber the following section consecutively and correct the title.

EFFECT: Adds requirements that the DOH require that applicants
for an initial health professions license receive a state background
check and, in specified cases, a federal background check and that the
DOH include data on the background check activities in its biennial
reports.

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