

# SENATE BILL REPORT

## ESHB 1565

---

As of March 15, 2019

**Title:** An act relating to certain providers sharing background checks.

**Brief Description:** Concerning certain providers sharing background checks.

**Sponsors:** House Committee on Health Care & Wellness (originally sponsored by Representatives Robinson, Tharinger, Klippert and Lovick; by request of Department of Social and Health Services).

**Brief History:** Passed House: 3/04/19, 96-0.

**Committee Activity:** Human Services, Reentry & Rehabilitation: 3/14/19.

### Brief Summary of Bill

- Permits additional types of providers to share criminal background inquiry information with each other about employees and prospective employees.
- Authorizes the Department of Social and Health Services to maintain a background check database that may be used by businesses and organizations that employ long-term care workers to satisfy background check requirements.

---

### SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

**Staff:** Keri Waterland (786-7490)

**Background:** A long-term care worker is any person who provides paid, hands-on personal care services for the elderly or persons with disabilities. The term includes individual providers of home care services; direct care workers employed by home care agencies, consumer-directed employers, or community residential service businesses; providers of home care services to people with developmental disabilities; direct care workers in assisted-living facilities and adult family homes; and respite care providers. The term does not include employees of nursing homes, hospitals, acute care settings, residential habilitation centers, hospice agencies, adult day care centers, and adult day health centers. The term also excludes people who are not paid by the state or any private agency or facility licensed by the state to provide personal care services.

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

All long-term care workers must be screened through both state and federal background checks to verify they do not have a history that would disqualify them from working with vulnerable persons. The Department of Social and Health Services (DSHS) must process background checks for long-term care workers and make the information available to employers and prospective employers. Long-term care workers that have a final substantiated finding of abuse, neglect, exploitation, or abandonment of a minor or vulnerable adult may not be employed in the care of and have unsupervised access to vulnerable adults.

DSHS must have standards for considering background check information related to its contracting activities for the care, supervision, case management, or treatment of children, developmentally disabled persons, and vulnerable adults. The requirement applies to contracting activities with entities such as nursing homes, home care agencies, adult family homes, veterans' homes, consumer-directed employers, and community residential service businesses.

Under certain circumstances, health care facilities are allowed to share copies of recent criminal background check information with each other. Health care facilities are defined to include nursing homes, assisted living facilities, and adult family homes.

**Summary of Bill:** Health care facilities which may, upon request, share copies of completed criminal background inquiry information, is expanded to include in-home services agencies, community residential service businesses, and consumer-directed employers.

The term "health care facility" is expanded to include enhanced services facilities, in addition to nursing homes, assisted living facilities, and adult family homes. The term "criminal background inquiry information" is defined as only the results from a processed background check, including criminal history record information that may be disclosed without restriction, and not any commercial records or financial records of an individual, or confidential criminal history record information.

DSHS is authorized to maintain a background check database. A business or organization required to complete a background check for long-term care workers may meet the requirement by using the background check database. The background check database must be a web-based background check system for the use of authorized entities to submit background check requests, receive results of background checks, review state and federal criminal history records, and process the results of background checks.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony:** PRO: This will help with the workforce shortage that we are seeing in community long-term care providers. I am here in support this agency

request legislation that allows people to switch employers, and not have a new criminal background check if they have had one in the past two years. This ensures that there is not a gap in services, and eliminates redundancy in background checks.

**Persons Testifying:** PRO: Representative June Robinson, Prime Sponsor; Deborah Roberts, Developmental Disabilities Administration, DSHS.

**Persons Signed In To Testify But Not Testifying:** No one.