
SENATE BILL 5318

State of Washington

69th Legislature

2025 Regular Session

By Senators Kauffman, Nobles, Orwall, and C. Wilson; by request of Department of Social and Health Services

Read first time 01/17/25. Referred to Committee on Human Services.

1 AN ACT Relating to fingerprint-based background checks; and
2 reenacting and amending RCW 43.43.837.

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

4 **Sec. 1.** RCW 43.43.837 and 2023 c 437 s 1 and 2023 c 223 s 3 are
5 each reenacted and amended to read as follows:

6 (1) In order to determine ((the)) an applicant's character,
7 competence, and suitability ((of any applicant or service provider to
8 have unsupervised access to vulnerable adults, children, or
9 juveniles, the secretary of the department of social and health
10 services shall require the)) for working unsupervised as a department
11 of social and health services or department of children, youth, and
12 families long-term care service provider, direct care worker, child
13 placement provider, individuals over 16 years old living in home of
14 child placement provider, individuals over 16 years old living in
15 home of companion home provider, high-risk provider, residential
16 habilitation center worker, transitional care facility worker, or a
17 contracted home and community-based service provider, the applicant
18 shall be fingerprinted.

19 (2) The department of social and health services may require an
20 applicant ((or service provider)) to submit fingerprints for the
21 purpose of investigating conviction records through ((both)) the

1 Washington state patrol (~~and the federal bureau of investigation~~
2 ~~when the applicant or service provider~~) at any time they apply for
3 the listed positions or new information regarding a pending charge,
4 criminal conviction, and/or negative action. The applicant or service
5 provider must submit fingerprints for the purpose of investigating
6 conviction records through both the Washington state patrol and the
7 federal bureau of investigation when the applicant or service
8 provider has resided in the state less than three consecutive years
9 before application and:

10 (a) (~~Has resided in the state less than three consecutive years~~
11 ~~before application and:~~

12 ~~(i))~~ (i) Is a contractor providing services funded by (~~either~~) home
13 and community long-term care programs, established pursuant to
14 chapters 71A.12, 74.09, 74.39, and 74.39A RCW, administered by the
15 department of social and health services;

16 (~~(ii) Is an individual who is authorized by the department of~~
17 ~~social and health services to provide services to people with~~
18 ~~developmental disabilities under RCW 74.15.030; or~~

19 ~~(iii))~~ (b) Is applying for employment or is already employed by
20 an area agency on aging or federally recognized Indian tribe, or is
21 an employee of a contractor of an area agency on aging or federally
22 recognized Indian tribe, that will, or may, have unsupervised access
23 to vulnerable adults, children, or juveniles when engaging in the
24 activities described in RCW 74.09.520(5);

25 (c) Is an individual 16 years of age or older and resides in a
26 certified community residential companion home authorized by the
27 developmental disabilities administration to provide services to
28 individuals with developmental disabilities under chapter 71A.12 RCW;

29 (~~(b))~~ (d) Is applying for employment or is already employed at
30 any secure facility operated by the department of social and health
31 services under chapter 71.09 RCW;

32 (~~(e))~~ (e) Is applying to be an adult family home licensee,
33 entity representative, or resident manager under chapter 70.128 RCW;

34 (~~(d))~~ (f) Is applying to be an assisted living facility
35 licensee or administrator under chapter 18.20 RCW. For the purposes
36 of this subsection (2)(f), "administrator" means an assisted living
37 facility administrator who must be in active administrative charge of
38 the assisted living facility as required in this chapter. Unless
39 exempt under RCW 18.88B.041, the administrator must complete long-
40 term care worker training and home care aide certification;

1 ~~((e))~~ (g) Is applying to be an enhanced services facility
2 licensee or administrator under chapter 70.97 RCW. For the purposes
3 of this subsection (2)(g), "administrator" means an enhanced services
4 facility administrator who must be in active administrative charge of
5 the enhanced services facility as required in this chapter. Unless
6 exempt under RCW 18.88B.041, the administrator must complete long-
7 term care worker training and home care aide certification;

8 ~~((f))~~ (h) Is applying to be a certified community residential
9 ~~(services and supports provider)~~ service provider or administrator
10 under chapter 71A.12 RCW. For the purposes of this subsection (2)(h),
11 "administrator" means an individual who is responsible for or has
12 control over daily operations of a certified community residential
13 service provider, who may or will have unsupervised access to
14 vulnerable adults in a certified community residential service
15 setting, whether or not they provide direct care to vulnerable
16 adults. An individual who is responsible for or has control over
17 daily operations of a certified community residential service
18 provider includes any person who:

19 (i) Oversees aspects of staffing, such as recruitment, staff
20 training, or performance reviews;

21 (ii) Develops and maintains policies and procedures that give
22 staff direction to provide appropriate services and supports under
23 chapter 71A.12 RCW; or

24 (iii) Maintains and securely stores client, personnel, or
25 financial records;

26 ~~((g))~~ (i) Has been categorized as a high-risk provider as
27 defined in subsection ~~((8))~~ (9)(f) of this section; ~~((e~~

28 ~~(h))~~ (j) Is applying for employment ~~((or is already employed at~~
29 ~~any))~~ by a residential habilitation center ((or other state-operated
30 ~~program for individuals with developmental disabilities under chapter~~
31 ~~71A.20 RCW))~~ under chapter 71A.20 RCW or is applying for a job class
32 series change at a residential habilitation center; or

33 (k) Is applying for employment by a transitional care facility.

34 ~~((2))~~ (3) Long-term care workers, as defined in RCW 74.39A.009,
35 who are hired after January 7, 2012, are subject to fingerprint-based
36 background checks under RCW 74.39A.056.

37 ~~((3))~~ (4) In order to determine the character, competence, and
38 suitability of an applicant or service provider to have unsupervised
39 access to children or juveniles, the secretary of the department of
40 children, youth, and families shall require the applicant or service

1 provider to submit fingerprints for the purpose of investigating
2 conviction records through both the Washington state patrol and the
3 federal bureau of investigation when the applicant or service
4 provider:

5 (a) Is applying for a license under RCW 74.15.030 or is an adult
6 living in a home where a child is placed;

7 (b) Is applying for employment or already employed at a group
8 care facility, regardless of whether the applicant is working
9 directly with children;

10 (c) Is newly applying for an agency license, is newly licensed,
11 is an employee of an agency that is newly licensed, or will newly
12 have unsupervised access to children in child care, pursuant to RCW
13 43.216.270; or

14 (d) Has resided in the state less than three consecutive years
15 before application; and:

16 (i) Is applying for employment, promotion, reallocation, or
17 transfer to a position the department of children, youth, and
18 families has identified as one that will, or may, require the
19 applicant to have unsupervised access to children or juveniles
20 because of the nature of the work;

21 (ii) Is a business or individual contracted to provide services
22 to children or people with developmental disabilities under RCW
23 74.15.030; or

24 (iii) Is an individual 16 years of age or older who: (A) Is not
25 under the placement and care authority of the department of children,
26 youth, and families; and (B) resides in an applicant or service
27 provider's home, facility, entity, agency, or business or who is
28 authorized by the department of children, youth, and families to
29 provide services to children under RCW 74.15.030.

30 (~~(4)~~) (5) The secretary of the department of children, youth,
31 and families shall require a fingerprint-based background check
32 through the Washington state patrol identification and criminal
33 history section and the federal bureau of investigation when the
34 department seeks to approve an applicant or service provider for a
35 foster or adoptive placement of children in accordance with federal
36 and state law. Fees charged by the Washington state patrol and the
37 federal bureau of investigation for fingerprint-based background
38 checks shall be paid by the department of children, youth, and
39 families for foster care and childcare applicants and service
40 providers.

1 ~~((+5))~~ (6) Applicants and service providers of the department of
2 social and health services, except for long-term care workers subject
3 to RCW 74.39A.056, who are required to complete a fingerprint-based
4 background check may be hired for a ~~((one hundred twenty day))~~ 120-
5 day provisional period as allowed under law or program rules when:

6 (a) A fingerprint-based background check is pending; and

7 (b) The applicant or service provider is not disqualified based
8 on the immediate result of the background check.

9 ~~((+6))~~ (7) Fees charged by the Washington state patrol and the
10 federal bureau of investigation for fingerprint-based background
11 checks shall be paid by the applicable department for applicants or
12 service providers providing:

13 (a) Services to people with a developmental disability under RCW
14 74.15.030;

15 (b) In-home services funded by medicaid personal care under RCW
16 74.09.520;

17 (c) Community options program entry system waiver services under
18 RCW 74.39A.030;

19 (d) Chore services under RCW 74.39A.110;

20 (e) Services under ~~((other))~~ home and community long-term care
21 programs, established pursuant to chapters 74.39 and 74.39A RCW,
22 administered by the department of social and health services or the
23 department of children, youth, and families; and

24 (f) Services in, or to residents of, a secure facility under RCW
25 71.09.115.

26 ~~((+7))~~ (8) The department of social and health services and the
27 department of children, youth, and families shall develop rules
28 identifying the financial responsibility of service providers,
29 applicants, and the respective department for paying the fees charged
30 by law enforcement to roll, print, or scan fingerprints-based for the
31 purpose of a Washington state patrol or federal bureau of
32 investigation fingerprint-based background check.

33 ~~((+8))~~ (9) For purposes of this section, unless the context
34 plainly indicates otherwise:

35 (a) "Applicant" means a current or prospective department of
36 social and health services, department of children, youth, and
37 families, or service provider employee, volunteer, student, intern,
38 researcher, contractor, or any ~~((other))~~ individual specified in
39 subsection ~~((+1))~~ (2)(a) through ~~((+9))~~ (i) or ~~((+3))~~ (4)(a)
40 through (d) of this section who will or may have unsupervised access

1 to vulnerable adults, children, or juveniles because of the nature of
2 the work or services he or she provides. "Applicant" includes any
3 individual who will or may have unsupervised access to vulnerable
4 adults, children, or juveniles and is:

5 (i) Applying for a license or certification from the department
6 of social and health services or the department of children, youth,
7 and families;

8 (ii) Seeking a contract with the department of social and health
9 services, the department of children, youth, and families, or a
10 service provider;

11 (iii) Applying for employment, promotion, reallocation, or
12 transfer; or

13 (iv) An individual that a department of social and health
14 services or department of children, youth, and families client or
15 guardian of a department of social and health services or department
16 of children, youth, and families client chooses to hire or engage to
17 provide services to himself or herself or another vulnerable adult,
18 juvenile, or child and who might be eligible to receive payment from
19 the department of social and health services or the department of
20 children, youth, and families for services rendered.

21 (b) "Area agency on aging" means an agency that is designated by
22 the state to address the needs and concerns of older persons at the
23 regional and local levels and is responsible for a particular
24 geographic area that is a tribal reservation, a single county, or a
25 multicounty planning area. Area agencies on aging have governance
26 based on the corresponding county, city, tribal government, or
27 council of governments.

28 (c) "Authorized" means the department of social and health
29 services or the department of children, youth, and families grants an
30 applicant, home, or facility permission to:

31 (i) Conduct licensing, certification, or contracting activities;

32 (ii) Have unsupervised access to vulnerable adults, juveniles,
33 and children;

34 (iii) Receive payments from a department of social and health
35 services or department of children, youth, and families program; or

36 (iv) Work or serve in a department of social and health services
37 or department of children, youth, and families employment position.

38 (d) "Community residential services and supports provider" means
39 a person or entity certified by the department of social and health
40 services to deliver one or more of the services described in RCW

1 71A.12.040 to a person with a developmental disability, as defined in
2 RCW 71A.10.020, who is eligible to receive services from the
3 department of social and health services.

4 (e) "Entity representative" means the individual designated by an
5 entity provider or entity applicant (~~who:~~

6 ~~(i) Is the representative of the entity for the purposes of~~
7 ~~fulfilling the training and qualification requirements of the state~~
8 ~~that only an individual can fulfill and an entity cannot;~~

9 ~~(ii) Is responsible for overseeing the operation of the home; and~~

10 ~~(iii) Does not hold the license on behalf of the entity))~~ as its
11 representative for the purposes of fulfilling the training and
12 qualification requirements under this chapter that only an individual
13 can fulfill where an entity cannot. The entity representative is
14 responsible for overseeing the operation of the home. The entity
15 representative does not hold the license on behalf of the entity.

16 (f) "High-risk provider" means a service provider that has been
17 designated by the state medicaid agency as posing an increased
18 financial risk of fraud, waste, or abuse to the medicaid program. A
19 "high-risk provider" additionally includes any person who has a five
20 percent or more direct or indirect ownership interest in such a
21 provider.

22 (g) "Long-term care workers" include all persons who provide
23 paid, hands-on personal care services for the elderly or persons with
24 disabilities, including but not limited to individual providers of
25 home care services; direct care workers employed by home care
26 agencies or a consumer directed employer; providers of home care
27 services to persons with developmental disabilities under Title 71A
28 RCW; all direct care workers in state-licensed assisted living
29 facilities, enhanced services facilities, and adult family homes;
30 respite care providers; direct care workers employed by community
31 residential service businesses; and any other direct care worker
32 providing home or community-based services to the elderly or persons
33 with functional disabilities or developmental disabilities.

34 (h) "Service provider" means entities, facilities, agencies,
35 businesses, or individuals who are licensed, certified, authorized,
36 or regulated by, receive payment from, or have contracts or
37 agreements with the department of social and health services or the
38 department of children, youth, and families to provide services to
39 vulnerable adults, juveniles, or children. "Service provider"
40 includes individuals whom a department of social and health services

1 or department of children, youth, and families client or guardian of
2 a department of social and health services or department of children,
3 youth, and families client may choose to hire or engage to provide
4 services to himself or herself or another vulnerable adult, juvenile,
5 or child and who might be eligible to receive payment from the
6 department of social and health services or the department of
7 children, youth, and families for services rendered.

8 (i) "Transitional care facility" means the staff secure and
9 voluntary facility offering specialized treatment and habilitative
10 interventions for eligible youth. A transitional care facility is a
11 state-operated residential treatment facility for children with
12 developmental disabilities.

13 (j) "Unsupervised" means not in the presence of:

14 (i) Another employee or volunteer from the same business or
15 organization as the applicant; or

16 (ii) Any relative or guardian of any of the children or persons
17 with developmental disabilities or vulnerable adults to which the
18 applicant has access while they are employed or involved with the
19 business or organization.

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