
SUBSTITUTE HOUSE BILL 1490

State of Washington

69th Legislature

2025 Regular Session

By House Early Learning & Human Services (originally sponsored by Representatives Obras, Gregerson, Peterson, and Cortes; by request of Department of Social and Health 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 or service
7 provider's character, competence, and suitability ((of any applicant

8 ~~or service provider to have unsupervised access to vulnerable adults,~~

9 ~~children, or juveniles, the secretary of the department of social and~~

10 ~~health services shall require the applicant or service provider to~~

11 ~~submit fingerprints for the purpose of investigating conviction~~

12 ~~records through both the Washington state patrol and the federal~~

13 ~~bureau of investigation when the applicant or service provider)) for~~

14 working unsupervised as a department of social and health services or

15 department of children, youth, and families long-term care worker,

16 direct care worker, child placement provider, high-risk provider,

17 residential habilitation center worker, transitional care facility

18 worker, or a contracted home and community-based service provider,

19 applicants and service providers described in subsections (2) and (4)

20 of this section shall submit their fingerprints to the Washington

21 state patrol for forwarding to the federal bureau of investigation

1 for a national background check, as shall individuals 16 years of age
2 or older living in the home of a companion home provider as
3 identified in subsection (2)(c) of this section, and individuals 16
4 years of age or older living in the home of a child placement
5 provider as identified in subsection (4)(b) of this section.

6 (2) The department of social and health services shall require a
7 person to submit fingerprints for the purpose of investigating
8 conviction records through both the Washington state patrol and the
9 federal bureau of investigation when the person:

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

12 ~~(i)) Is an applicant or service provider who has resided in the~~
13 ~~state less than three consecutive years before application and:~~

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

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

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

27 (b) Is an applicant or service provider who:

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

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

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

1 ~~((e))~~ (iv) 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)(b)(iv), "administrator" means an enhanced
4 services facility administrator who is in active administrative
5 charge of the enhanced services facility as required in this chapter,
6 and unless exempt under RCW 18.88B.041, must complete long-term care
7 worker training and home care aide certification;

8 ~~((f))~~ (v) 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
11 (2)(b)(v), "administrator" means an individual who is responsible for
12 or has control over daily operations of a certified community
13 residential service provider, who may or will have unsupervised
14 access to vulnerable adults in a certified community residential
15 service setting, whether or not they provide direct care to
16 vulnerable adults. An individual who is responsible for or has
17 control over daily operations of a certified community residential
18 service provider includes any person who:

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

21 (B) 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 (C) Maintains and securely stores client, personnel, or financial
25 records;

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

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

34 (viii) Is applying for employment by a transitional care
35 facility; or

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

1 ~~((2))~~ (3) Long-term care workers, as defined in RCW 74.39A.009,
2 who are hired after January 7, 2012, are subject to fingerprint-based
3 background checks under RCW 74.39A.056.

4 ~~((3))~~ (4) In order to determine the character, competence, and
5 suitability of ~~((an applicant or service provider))~~ a person to have
6 unsupervised access to children or juveniles, the secretary of the
7 department of children, youth, and families shall require the
8 ~~((applicant or service provider))~~ person to submit fingerprints for
9 the purpose of investigating conviction records through both the
10 Washington state patrol and the federal bureau of investigation when
11 ~~((the))~~ :

12 (a) The person is an applicant or service provider who:

13 ~~((a))~~ (i) Is applying for a license under RCW 74.15.030 or is
14 an adult living in a home where a child is placed;

15 ~~((b))~~ (ii) Is applying for employment or already employed at a
16 group care facility, regardless of whether the applicant is working
17 directly with children;

18 ~~((c))~~ (iii) Is newly applying for an agency license, is newly
19 licensed, is an employee of an agency that is newly licensed, or will
20 newly have unsupervised access to children in child care, pursuant to
21 RCW 43.216.270; or

22 ~~((d))~~ (iv) Has resided in the state less than three consecutive
23 years before application; and:

24 ~~((i))~~ (A) Is applying for employment, promotion, reallocation,
25 or transfer to a position the department of children, youth, and
26 families has identified as one that will, or may, require the
27 applicant to have unsupervised access to children or juveniles
28 because of the nature of the work; or

29 ~~((ii))~~ (B) Is a business or individual contracted to provide
30 services to children or people with developmental disabilities under
31 RCW 74.15.030; or

32 ~~((iii) Is))~~ (b) The person has resided in the state less than
33 three consecutive years, is an individual 16 years of age or older
34 ~~((who))~~ and: ~~((A))~~ (i) Is not under the placement and care
35 authority of the department of children, youth, and families; and
36 ~~((B))~~ (ii) resides in an applicant or service provider's home,
37 facility, entity, agency, or business or who is authorized by the
38 department of children, youth, and families to provide services to
39 children under RCW 74.15.030.

1 ~~((4))~~ (5) The secretary of the department of children, youth,
2 and families shall require a fingerprint-based background check
3 through the Washington state patrol identification and criminal
4 history section and the federal bureau of investigation when the
5 department seeks to approve an applicant or service provider for a
6 foster or adoptive placement of children in accordance with federal
7 and state law. Fees charged by the Washington state patrol and the
8 federal bureau of investigation for fingerprint-based background
9 checks shall be paid by the department of children, youth, and
10 families for foster care and childcare applicants and service
11 providers.

12 ~~((5))~~ (6) Applicants and service providers of the department of
13 social and health services, except for long-term care workers subject
14 to RCW 74.39A.056, who are required to complete a fingerprint-based
15 background check may be hired for a ~~((one hundred twenty day))~~ 120-
16 day provisional period as allowed under law or program rules when:

- 17 (a) A fingerprint-based background check is pending; and
18 (b) The applicant or service provider is not disqualified based
19 on the immediate result of the background check.

20 ~~((6))~~ (7) Fees charged by the Washington state patrol and the
21 federal bureau of investigation for fingerprint-based background
22 checks shall be paid by the applicable department for applicants or
23 service providers providing:

- 24 (a) Services to people with a developmental disability under RCW
25 74.15.030;
26 (b) In-home services funded by medicaid personal care under RCW
27 74.09.520;
28 (c) Community options program entry system waiver services under
29 RCW 74.39A.030;
30 (d) Chore services under RCW 74.39A.110;
31 (e) Services under ~~((other))~~ home and community long-term care
32 programs, established pursuant to chapters 74.39 and 74.39A RCW,
33 administered by the department of social and health services or the
34 department of children, youth, and families; and
35 (f) Services in, or to residents of, a secure facility under RCW
36 71.09.115.

37 ~~((7))~~ (8) The department of social and health services and the
38 department of children, youth, and families shall develop rules
39 identifying the financial responsibility of service providers,
40 applicants, and the respective department for paying the fees charged

1 by law enforcement to roll, print, or scan fingerprints-based for the
2 purpose of a Washington state patrol or federal bureau of
3 investigation fingerprint-based background check.

4 ~~((8))~~ (9) For purposes of this section, unless the context
5 plainly indicates otherwise:

6 (a) "Applicant" means a current or prospective department of
7 social and health services, department of children, youth, and
8 families, or service provider employee, volunteer, student, intern,
9 researcher, contractor, or any ~~((other))~~ individual specified in
10 subsection ~~((1)(a) through (g))~~ (2) or ~~((3)(a) through (d))~~ (4)
11 of this section who will or may have unsupervised access to
12 vulnerable adults, children, or juveniles because of the nature of
13 the work or services he or she provides. "Applicant" includes any
14 individual who will or may have unsupervised access to vulnerable
15 adults, children, or juveniles and is:

16 (i) Applying for a license or certification from the department
17 of social and health services or the department of children, youth,
18 and families;

19 (ii) Seeking a contract with the department of social and health
20 services, the department of children, youth, and families, or a
21 service provider;

22 (iii) Applying for employment, promotion, reallocation, or
23 transfer; or

24 (iv) An individual that a department of social and health
25 services or department of children, youth, and families client or
26 guardian of a department of social and health services or department
27 of children, youth, and families client chooses to hire or engage to
28 provide services to himself or herself or another vulnerable adult,
29 juvenile, or child and who might be eligible to receive payment from
30 the department of social and health services or the department of
31 children, youth, and families for services rendered.

32 (b) "Area agency on aging" means an agency that is designated by
33 the state to address the needs and concerns of older persons at the
34 regional and local levels and is responsible for a particular
35 geographic area that is a tribal reservation, a single county, or a
36 multicounty planning area. Area agencies on aging have governance
37 based on the corresponding county, city, tribal government, or
38 council of governments.

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

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

5 (ii) Have unsupervised access to vulnerable adults, juveniles,
6 and children;

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

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

11 (d) "Community residential services and supports provider" means
12 a person or entity certified by the department of social and health
13 services to deliver one or more of the services described in RCW
14 71A.12.040 to a person with a developmental disability, as defined in
15 RCW 71A.10.020, who is eligible to receive services from the
16 department of social and health services.

17 (e) "Entity representative" means the individual designated by an
18 entity provider or entity applicant who:

19 (i) Is the representative of the entity for the purposes of
20 fulfilling ((the)) training and qualification requirements ((of the
21 state)) that only an individual can fulfill and an entity cannot;

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

23 (iii) Does not hold the license on behalf of the entity.

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

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

1 providing home or community-based services to the elderly or persons
2 with functional disabilities or developmental disabilities.

3 (h) "Service provider" means entities, facilities, agencies,
4 businesses, or individuals who are licensed, certified, authorized,
5 or regulated by, receive payment from, or have contracts or
6 agreements with the department of social and health services or the
7 department of children, youth, and families to provide services to
8 vulnerable adults, juveniles, or children. "Service provider"
9 includes individuals whom a department of social and health services
10 or department of children, youth, and families client or guardian of
11 a department of social and health services or department of children,
12 youth, and families client may choose to hire or engage to provide
13 services to himself or herself or another vulnerable adult, juvenile,
14 or child and who might be eligible to receive payment from the
15 department of social and health services or the department of
16 children, youth, and families for services rendered.

17 (i) "Transitional care facility" means a staff secure and
18 voluntary state-operated residential treatment facility offering
19 specialized treatment and habilitative interventions for eligible
20 youth with developmental disabilities.

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

22 (i) Another employee or volunteer from the same business or
23 organization as the applicant; or

24 (ii) Any relative or guardian of any of the children or persons
25 with developmental disabilities or vulnerable adults to which the
26 applicant has access while they are employed or involved with the
27 business or organization.

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