

1 2055-S AMS HC S4313.1

2 SHB 2055 - S COMM AMD

3 By Committee on Health & Long-Term Care

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5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 43.43.842 and 1989 c 334 s 11 are each amended to
8 read as follows:

9 The secretary of social and health services and the secretary of
10 health shall adopt additional requirements for the licensure or
11 relicensure of agencies or facilities which provide care and treatment
12 to vulnerable adults. These additional requirements shall ensure that
13 any person associated with a licensed agency or facility having direct
14 contact with a vulnerable adult shall not have been: (1) Convicted of
15 a crime against persons as defined in RCW 43.43.830, except as provided
16 in this section; (2) convicted of crimes relating to financial
17 exploitation (~~((of a vulnerable adult))~~) as defined in RCW 43.43.830,
18 except as provided in this section; (3) found in any disciplinary board
19 final decision to have abused a vulnerable adult under RCW 43.43.830;
20 or (4) the subject in a protective proceeding under chapter 74.34 RCW.
21 The rules adopted under this section shall further provide that no
22 person shall be disqualified from employment in a licensed facility for
23 a past offense if:

24 (a) The offense was simple assault, assault in the fourth degree,
25 or the same offense as it may be renamed, and three or more years have
26 passed between the most recent conviction and the date of application
27 for employment;

1 (b) The offense was prostitution, or the same offense as it may be
2 renamed, and three or more years have passed between the most recent
3 conviction and the date of application for employment;

4 (c) The offense was theft in the third degree, or the same offense
5 as it may be renamed, and three or more years have passed between the
6 most recent conviction and the date of application for employment;

7 (d) The offense was theft in the second degree, or the same offense
8 as it may be renamed, and five or more years have passed between the
9 most recent conviction and the date of application for employment;

10 (e) The offense was forgery, or the same offense as it may be
11 renamed, and five or more years have passed between the most recent
12 conviction and the date of application for employment.

13 If an employee is hired in compliance with the requirements of this
14 section, the fact or content of that employee's criminal history is not
15 admissible in evidence in any subsequent criminal or civil action to
16 which the employing licensee is a party.

17 In consultation with law enforcement personnel, the secretary of
18 social and health services and the secretary of health shall
19 investigate the conviction record and the protection proceeding record
20 information under chapter 43.43 RCW of each agency or facility and its
21 staff under their respective jurisdictions seeking licensure or
22 relicensure. The ((secretary)) secretaries shall use the information
23 solely for the purpose of determining eligibility for licensure or
24 relicensure. Criminal justice agencies shall provide the ((secretary))
25 secretaries such information as they may have and that the
26 ((secretary)) secretaries may require for such purpose."

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4 On page 1, line 1 of the title, after "checks;" strike the

5 remainder of the title and insert "and amending RCW 43.43.842."