

Chapter 388-06 WAC BACKGROUND CHECKS

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WAC

ONE HUNDRED AND TWENTY-DAY PROVISIONAL HIRE—PENDING FBI BACKGROUND CHECK RESULTS

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-06-0010 What is the purpose of this chapter? [Statutory Authority: RCW 43.43.832, 74.15.030 and 43.43.837. WSR 14-14-026, § 388-06-0010, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 43.43.832, 74.39A.055, 74.39A.050, 74.39A.095, 74.39A.260, 43.20A.710, and 43.43.837. WSR 10-16-083, § 388-06-0010, filed 7/30/10, effective 8/30/10. Statutory Authority: RCW 43.43.832, 43.20A.710, and 2007 c 387. WSR 09-03-003, § 388-06-0010, filed 1/8/09, effective 2/8/09. Statutory Authority: RCW 74.15.030. WSR 01-18-025, § 388-06-0010, filed 8/27/01, effective 10/1/01.] Repealed by WSR 15-03-070, filed 1/15/15, effective 2/15/15. Statutory Authority: RCW 43.43.832, 74.15.030, and 43.43.837.

388-06-0020 What definitions apply to WAC 388-06-0100 through 388-06-0260 of this chapter? [Statutory Authority: RCW 43.43.832, 74.15.030 and 43.43.837. WSR 14-14-026, § 388-06-0020, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 43.43.832 and 74.39A.056 as amended by 2012 c 164 and 2012 c 1. WSR 12-21-053, § 388-06-0020, filed 10/15/12, effective 12/25/12. Statutory Authority: RCW 43.43.832, 74.39A.055, 74.39A.050, 74.39A.095, 74.39A.260, 43.20A.710, and 43.43.837. WSR 10-16-083, § 388-06-0020, filed 7/30/10, effective 8/30/10. Statutory Authority: RCW 74.15.030. WSR 01-18-025, § 388-06-0020, filed 8/27/01, effective 10/1/01.] Repealed by WSR 15-03-070, filed 1/15/15, effective 2/15/15. Statutory Authority: RCW 43.43.832, 74.15.030, and 43.43.837.

388-06-0100 Why are background checks done? [Statutory Authority: RCW 43.43.832, 74.15.030 and 43.43.837. WSR 14-14-026, § 388-06-0100, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 74.15.030. WSR 01-18-025, § 388-06-0100, filed 8/27/01, effective 10/1/01.] Repealed by WSR 15-03-070, filed 1/15/15, effective 2/15/15. Statutory Authority: RCW 43.43.832, 74.15.030, and 43.43.837.

388-06-0110 Who must have background checks? [Statutory Authority: RCW 43.43.832, 74.15.030 and 43.43.837. WSR 14-14-026, § 388-06-0110, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 43.43.832 and 74.39A.056 as amended by 2012 c 164 and 2012 c 1. WSR 12-21-053, § 388-06-0110, filed 10/15/12, effective 12/25/12. Statutory Authority: RCW 43.43.832, 74.39A.055, 74.39A.050, 74.39A.095, 74.39A.260, 43.20A.710, and 43.43.837. WSR 10-16-083, § 388-06-0110, filed 7/30/10, effective 8/30/10. Statutory Authority: RCW 43.43.832, 26.33.190, 26.44.030, 74.15.030, 2007 c 387 and Adam Walsh Act of 2006. WSR 09-06-028, § 388-06-0110, filed 2/24/09, effective 3/6/09. Statutory Authority: RCW 74.15.030. WSR 01-18-025, § 388-06-0110, filed 8/27/01, effective 10/1/01.] Repealed by WSR 15-03-070, filed 1/15/15, effective 2/15/15. Statutory Authority: RCW 43.43.832, 74.15.030, and 43.43.837.

388-06-0115 What are the division of developmental disabilities background check requirements? [Statutory Authority: RCW 43.43.832 and 74.39A.056 as amended by 2012 c 164 and 2012 c 1. WSR 12-21-053, § 388-06-0115, filed 10/15/12, effective 12/25/12.] Repealed by WSR 14-14-026, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 43.43.832, 74.15.030 and 43.43.837.

388-06-0120 Who is not affected by this chapter? [Statutory Authority: RCW 74.15.030. WSR 01-18-025, § 388-06-0120, filed 8/27/01, effective 10/1/01.] Repealed by WSR 15-03-070, filed 1/15/15, effective 2/15/15. Statutory Authority: RCW 43.43.832, 74.15.030, and 43.43.837.

388-06-0130 Does the background check process apply to new and renewal licenses, certification, contracts, and authorizations to have unsupervised access to children? [Statutory Authority: RCW 43.43.832, 74.15.030 and 43.43.837. WSR 14-14-026, § 388-06-0130, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 43.43.832 and 74.39A.056 as amended by 2012 c 164 and 2012 c 1. WSR 12-21-053, § 388-06-0130, filed 10/15/12, effective 12/25/12. Statutory Authority: RCW 43.43.832, 74.39A.055, 74.39A.050, 74.39A.095, 74.39A.260, 43.20A.710, and 43.43.837. WSR 10-16-083, § 388-06-0130, filed 7/30/10, effective 8/30/10. Statutory Authority: RCW 74.15.030. WSR 01-18-025, § 388-06-0130, filed 8/27/01, effective 10/1/01.] Repealed by WSR 15-03-070, filed 1/15/15, effective 2/15/15. Statutory Authority: RCW 43.43.832, 74.15.030, and 43.43.837.

388-06-0140 What happens if I don't comply with the background check requirement? [Statutory Authority: RCW 74.15.030. WSR 01-18-025, § 388-06-0140, filed 8/27/01, effective 10/1/01.] Re-

- pealed by WSR 15-03-070, filed 1/15/15, effective 2/15/15. Statutory Authority: RCW 43.43.832, 74.15.030, and 43.43.837.
- 388-06-0150 What does the background check cover? [Statutory Authority: RCW 43.43.832, 74.15.030 and 43.43.837. WSR 14-14-026, § 388-06-0150, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 43.43.832 and 74.39A.056 as amended by 2012 c 164 and 2012 c 1. WSR 12-21-053, § 388-06-0150, filed 10/15/12, effective 12/25/12. Statutory Authority: RCW 43.43.832, 74.39A.055, 74.39A.050, 74.39A.095, 74.39A.260, 43.20A.710, and 43.43.837. WSR 10-16-083, § 388-06-0150, filed 7/30/10, effective 8/30/10. Statutory Authority: RCW 43.43.832, 26.33.190, 26.44.030, 74.15.030, 2007 c 387 and Adam Walsh Act of 2006. WSR 09-06-028, § 388-06-0150, filed 2/24/09, effective 3/6/09. Statutory Authority: RCW 74.15.030. WSR 01-18-025, § 388-06-0150, filed 8/27/01, effective 10/1/01.] Repealed by WSR 15-03-070, filed 1/15/15, effective 2/15/15. Statutory Authority: RCW 43.43.832, 74.15.030, and 43.43.837.
- 388-06-0160 Who pays for the background check? [Statutory Authority: RCW 43.43.832, 74.15.030 and 43.43.837. WSR 14-14-026, § 388-06-0160, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 43.43.832, 74.39A.055, 74.39A.050, 74.39A.095, 74.39A.260, 43.20A.710, and 43.43.837. WSR 10-16-083, § 388-06-0160, filed 7/30/10, effective 8/30/10. Statutory Authority: RCW 43.43.832, 26.33.190, 26.44.030, 74.15.030, 2007 c 387 and Adam Walsh Act of 2006. WSR 09-06-028, § 388-06-0160, filed 2/24/09, effective 3/6/09. Statutory Authority: RCW 74.15.030. WSR 01-18-025, § 388-06-0160, filed 8/27/01, effective 10/1/01.] Repealed by WSR 15-03-070, filed 1/15/15, effective 2/15/15. Statutory Authority: RCW 43.43.832, 74.15.030, and 43.43.837.
- 388-06-0170 Will a criminal conviction permanently prohibit me from being licensed, contracted, or authorized to have unsupervised access to children or to individuals with developmental disability? [Statutory Authority: RCW 74.15.030. WSR 01-18-025, § 388-06-0170, filed 8/27/01, effective 10/1/01.] Repealed by WSR 15-03-070, filed 1/15/15, effective 2/15/15. Statutory Authority: RCW 43.43.832, 74.15.030, and 43.43.837.
- 388-06-0180 Are there other criminal convictions that will prohibit me from working with children or individuals with a developmental disability? [Statutory Authority: RCW 43.43.832, 74.39A.055, 74.39A.050, 74.39A.095, 74.39A.260, 43.20A.710, and 43.43.837. WSR 10-16-083, § 388-06-0180, filed 7/30/10, effective 8/30/10. Statutory Authority: RCW 74.15.030. WSR 01-18-025, § 388-06-0180, filed 8/27/01, effective 10/1/01.] Repealed by WSR 15-03-070, filed 1/15/15, effective 2/15/15. Statutory Authority: RCW 43.43.832, 74.15.030, and 43.43.837.
- 388-06-0190 If I have a conviction, may I ever have unsupervised access to children? [Statutory Authority: RCW 43.43.832, 74.15.030 and 43.43.837. WSR 14-14-026, § 388-06-0190, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 74.15.030. WSR 01-18-025, § 388-06-0190, filed 8/27/01, effective 10/1/01.] Repealed by WSR 15-03-070, filed 1/15/15, effective 2/15/15. Statutory Authority: RCW 43.43.832, 74.15.030, and 43.43.837.
- 388-06-0200 Will I be disqualified if there are pending criminal charges on my background check? [Statutory Authority: RCW 74.15.030. WSR 01-18-025, § 388-06-0200, filed 8/27/01, effective 10/1/01.] Repealed by WSR 15-03-070, filed 1/15/15, effective 2/15/15. Statutory Authority: RCW 43.43.832, 74.15.030, and 43.43.837.
- 388-06-0210 Will you license, contract, or authorize me to have unsupervised access to children if my conviction has been expunged, or vacated from my record or I have been pardoned for a crime? [Statutory Authority: RCW 43.43.832, 74.15.030 and 43.43.837. WSR 14-14-026, § 388-06-0210, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 74.15.030. WSR 01-18-025, § 388-06-0210, filed 8/27/01, effective 10/1/01.] Repealed by WSR 15-03-070, filed 1/15/15, effective 2/15/15. Statutory Authority: RCW 43.43.832, 74.15.030, and 43.43.837.
- 388-06-0220 How will I know if I have not been disqualified by the background check? [Statutory Authority: RCW 74.15.030. WSR 01-18-025, § 388-06-0220, filed 8/27/01, effective 10/1/01.] Repealed by WSR 15-03-070, filed 1/15/15, effective 2/15/15. Statutory Authority: RCW 43.43.832, 74.15.030, and 43.43.837.
- 388-06-0230 How will I know if I have been disqualified by the background check? [Statutory Authority: RCW 74.15.030. WSR 01-18-025, § 388-06-0230, filed 8/27/01, effective 10/1/01.] Repealed by WSR 15-03-070, filed 1/15/15, effective 2/15/15. Statutory Authority: RCW 43.43.832, 74.15.030, and 43.43.837.
- 388-06-0240 What may I do if I disagree with the department's decision to deny me a license, certification, contract, or authorization based on the results of the background check? [Statutory Authority: RCW 43.43.832, 74.15.030 and 43.43.837. WSR 14-14-026, § 388-06-0240, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 74.15.030. WSR 01-18-025, § 388-06-0240, filed 8/27/01, effective 10/1/01.] Repealed by WSR 15-03-070, filed 1/15/15, effective 2/15/15. Statutory Authority: RCW 43.43.832, 74.15.030, and 43.43.837.
- 388-06-0250 Is the background check information released to my employer or prospective employer? [Statutory Authority: RCW 43.43.832, 74.15.030 and 43.43.837. WSR 14-14-026, § 388-06-0250, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 43.43.832, 74.39A.055, 74.39A.050, 74.39A.095, 74.39A.260, 43.20A.710, and 43.43.837. WSR 10-16-083, § 388-06-0250, filed 7/30/10, effective 8/30/10. Statutory Authority: RCW 74.15.030. WSR 01-18-025, § 388-06-0250, filed 8/27/01, effective 10/1/01.] Repealed by WSR 15-03-070, filed 1/15/15, effective 2/15/15. Statutory Authority: RCW 43.43.832, 74.15.030, and 43.43.837.
- 388-06-0260 May I receive a copy of my criminal background check results? [Statutory Authority: RCW 74.15.030. WSR 01-18-025, § 388-06-0260, filed 8/27/01, effective 10/1/01.] Repealed by WSR 15-03-070, filed 1/15/15, effective 2/15/15. Statutory Authority: RCW 43.43.832, 74.15.030, and 43.43.837.
- 388-06-0520 Who is responsible for approving the one hundred twenty-day provisional hire? [Statutory Authority: Chapter 43.20A RCW, RCW 72.05.440 and 74.15.030. WSR 01-15-019, § 388-06-0520, filed 7/10/01, effective 8/10/01.] Repealed by WSR 22-24-058, filed 12/1/22, effective 1/1/23. Statutory Authority: RCW 43.20A.710, 43.43.837, 74.08.090, 74.09.520, 74.39A.056, and 2021 c 203.

- 388-06-0535 Who approves one hundred twenty-day provisional hire extensions? [Statutory Authority: Chapter 43.20A RCW, RCW 72.05.440 and 74.15.030. WSR 01-15-019, § 388-06-0535, filed 7/10/01, effective 8/10/01.] Repealed by WSR 22-24-058, filed 12/1/22, effective 1/1/23. Statutory Authority: RCW 43.20A.710, 43.43.837, 74.08.090, 74.09.520, 74.39A.056, and 2021 c 203.
- 388-06-0540 Are there instances when the one hundred twenty-day provisional hire is not available? [Statutory Authority: RCW 43.43.832, 74.15.030 and 43.43.837. WSR 14-14-026, § 388-06-0540, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 43.43.832 and 74.39A.056 as amended by 2012 c 164 and 2012 c 1. WSR 12-21-053, § 388-06-0540, filed 10/15/12, effective 12/25/12. Statutory Authority: Chapter 43.20A RCW, RCW 72.05.440 and 74.15.030. WSR 01-15-019, § 388-06-0540, filed 7/10/01, effective 8/10/01.] Repealed by WSR 22-24-058, filed 12/1/22, effective 1/1/23. Statutory Authority: RCW 43.20A.710, 43.43.837, 74.08.090, 74.09.520, 74.39A.056, and 2021 c 203.
- 388-06-0600 Must the DSHS secretary or designee conduct background checks on all employees in covered positions and applicants under consideration for a covered position? [Statutory Authority: RCW 43.43.832, 43.20A.710, and 2007 c 387. WSR 09-03-003, § 388-06-0600, filed 1/8/09, effective 2/8/09.] Repealed by WSR 15-05-030, filed 2/10/15, effective 3/13/15. Statutory Authority: RCW 43.43.832, 43.20A.710 and 43.43.837.
- 388-06-0605 What is a covered position? [Statutory Authority: RCW 43.43.832, 43.20A.710, and 2007 c 387. WSR 09-03-003, § 388-06-0605, filed 1/8/09, effective 2/8/09.] Repealed by WSR 15-05-030, filed 2/10/15, effective 3/13/15. Statutory Authority: RCW 43.43.832, 43.20A.710 and 43.43.837.
- 388-06-0610 Who are vulnerable adults, juveniles or children? [Statutory Authority: RCW 43.43.832, 43.20A.710, and 2007 c 387. WSR 09-03-003, § 388-06-0610, filed 1/8/09, effective 2/8/09.] Repealed by WSR 15-05-030, filed 2/10/15, effective 3/13/15. Statutory Authority: RCW 43.43.832, 43.20A.710 and 43.43.837.
- 388-06-0615 What is unsupervised access? [Statutory Authority: RCW 43.43.832, 43.20A.710, and 2007 c 387. WSR 09-03-003, § 388-06-0615, filed 1/8/09, effective 2/8/09.] Repealed by WSR 15-05-030, filed 2/10/15, effective 3/13/15. Statutory Authority: RCW 43.43.832, 43.20A.710 and 43.43.837.
- 388-06-0620 What information is considered in a background check conducted by DSHS and what are the results of the background check used for? [Statutory Authority: RCW 43.43.832, 43.20A.710, and 2007 c 387. WSR 09-03-003, § 388-06-0620, filed 1/8/09, effective 2/8/09.] Repealed by WSR 15-05-030, filed 2/10/15, effective 3/13/15. Statutory Authority: RCW 43.43.832, 43.20A.710 and 43.43.837.
- 388-06-0625 Must an employee and/or applicant authorize the secretary of the department of social and health services or designee to conduct a background check and what happens if the employee or applicant does not provide authorization? [Statutory Authority: RCW 43.43.832, 43.20A.710, and 2007 c 387. WSR 09-03-003, § 388-06-0625, filed 1/8/09, effective 2/8/09.] Repealed by WSR 15-05-030, filed 2/10/15, effective 3/13/15. Statutory Authority: RCW 43.43.832, 43.20A.710 and 43.43.837.
- 388-06-0630 What happens when a permanent DSHS employee is disqualified because of a background check or failure to authorize a background check? [Statutory Authority: RCW 43.43.832, 43.20A.710, and 2007 c 387. WSR 09-03-003, § 388-06-0630, filed 1/8/09, effective 2/8/09.] Repealed by WSR 15-05-030, filed 2/10/15, effective 3/13/15. Statutory Authority: RCW 43.43.832, RCW 43.20A.710 and 43.43.837.
- 388-06-0635 What are the DSHS secretary's responsibilities in carrying out the requirements to conduct background checks? [Statutory Authority: RCW 43.43.832, 43.20A.710, and 2007 c 387. WSR 09-03-003, § 388-06-0635, filed 1/8/09, effective 2/8/09.] Repealed by WSR 15-05-030, filed 2/10/15, effective 3/13/15. Statutory Authority: RCW 43.43.832, RCW 43.20A.710 and 43.43.837.
- 388-06-0640 Does a DSHS permanent employee who is disqualified from a covered position as a result of a background check have the right to request a review of the disqualification? [Statutory Authority: RCW 43.43.832, 43.20A.710, and 2007 c 387. WSR 09-03-003, § 388-06-0640, filed 1/8/09, effective 2/8/09.] Repealed by WSR 15-05-030, filed 2/10/15, effective 3/13/15. Statutory Authority: RCW 43.43.832, 43.20A.710 and 43.43.837.

ONE HUNDRED AND TWENTY-DAY PROVISIONAL HIRE—PENDING FBI BACKGROUND CHECK RESULTS

WAC 388-06-0030 What is the purpose of this chapter? (1) WAC 388-06-500 through 388-06-0550 define when an applicant, long-term care worker, or service provider may have unsupervised access to vulnerable adults and children pending the results of a fingerprint-based background check required by RCW 74.39A.056 or RCW 43.43.837.

(2) WAC 388-06-0700 through 388-06-0720 describe the responsibilities of the background check central unit.

[Statutory Authority: RCW 43.20A.710, 43.43.837, 74.08.090, 74.09.520, 74.39A.056, and 2021 c 203. WSR 22-24-058, § 388-06-0030, filed 12/1/22, effective 1/1/23. Statutory Authority: RCW 43.43.832,

43.20A.710, and 43.43.837. WSR 15-05-030, § 388-06-0030, filed 2/10/15, effective 3/13/15.]

WAC 388-06-0500 What is the purpose of the 120-day provisional period? The 120-day provisional period allows applicants, long-term care workers, and service providers to have unsupervised access to vulnerable adults and children pending the results of a fingerprint-based background check.

[Statutory Authority: RCW 43.20A.710, 43.43.837, 74.08.090, 74.09.520, 74.39A.056, and 2021 c 203. WSR 22-24-058, § 388-06-0500, filed 12/1/22, effective 1/1/23. Statutory Authority: Chapter 43.20A RCW, RCW 72.05.440 and 74.15.030. WSR 01-15-019, § 388-06-0500, filed 7/10/01, effective 8/10/01.]

WAC 388-06-0510 What definitions apply to 120-day provisional period rules? "Applicant" has the same meaning as defined in RCW 43.43.830.

"Completed fingerprint check" means the applicant has a final fingerprint notification from the background check central unit that is not disqualifying.

"Long-term care worker" has the same meaning as defined in RCW 74.39A.009.

"Service provider" means entities, facilities, agencies, businesses, or individuals who are licensed, certified, authorized, or regulated by, receive payment from, or have contracts or agreements with, the department of social and health services or its designee, to provide services to vulnerable adults or children.

[Statutory Authority: RCW 43.20A.710, 43.43.837, 74.08.090, 74.09.520, 74.39A.056, and 2021 c 203. WSR 22-24-058, § 388-06-0510, filed 12/1/22, effective 1/1/23. Statutory Authority: Chapter 43.20A RCW, RCW 72.05.440 and 74.15.030. WSR 01-15-019, § 388-06-0510, filed 7/10/01, effective 8/10/01.]

WAC 388-06-0525 When are applicants, long-term care workers, and service providers eligible for the 120-day provisional period? Applicants, long-term care workers, and service providers are eligible for the 120-day provisional period once they have passed a state name and date of birth background check and have scheduled their appointment to have their fingerprints taken for the fingerprint-based background check.

[Statutory Authority: RCW 43.20A.710, 43.43.837, 74.08.090, 74.09.520, 74.39A.056, and 2021 c 203. WSR 22-24-058, § 388-06-0525, filed 12/1/22, effective 1/1/23. Statutory Authority: RCW 43.43.832, 74.15.030 and 43.43.837. WSR 14-14-026, § 388-06-0525, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 43.43.832 and 74.39A.056 as amended by 2012 c 164 and 2012 c 1. WSR 12-21-053, § 388-06-0525, filed 10/15/12, effective 12/25/12. Statutory Authority: RCW 43.43.832, 74.39A.055, 74.39A.050, 74.39A.095, 74.39A.260, 43.20A.710, and 43.43.837. WSR 10-16-083, § 388-06-0525, filed 7/30/10, effective 8/30/10. Statutory Authority: Chapter 43.20A RCW, RCW 72.05.440 and

74.15.030. WSR 01-15-019, § 388-06-0525, filed 7/10/01, effective 8/10/01.]

WAC 388-06-0530 When does the 120-day provisional period begin?

The 120-day provisional period begins on the date an applicant, long-term care worker, or service provider begins providing care to a vulnerable adult or child.

[Statutory Authority: RCW 43.20A.710, 43.43.837, 74.08.090, 74.09.520, 74.39A.056, and 2021 c 203. WSR 22-24-058, § 388-06-0530, filed 12/1/22, effective 1/1/23. Statutory Authority: Chapter 43.20A RCW, RCW 72.05.440 and 74.15.030. WSR 01-15-019, § 388-06-0530, filed 7/10/01, effective 8/10/01.]

WAC 388-06-0550 How does the state of emergency declared in response to the COVID-19 pandemic affect the provisional period for applicants, long-term care workers, and service providers?

Notwithstanding WAC 388-06-0530, applicants, long-term care workers, and service providers who began providing care to vulnerable adults between November 1, 2019, and April 30, 2022, will have until August 28, 2022, to complete the fingerprint background check. Providers who begin providing care on or after May 1, 2022, are subject to the rules set forth in WAC 388-06-0525 and WAC 388-06-0530.

[Statutory Authority: RCW 43.20A.710, 43.43.837, 74.08.090, 74.09.520, 74.39A.056, and 2021 c 203. WSR 22-24-058, § 388-06-0550, filed 12/1/22, effective 1/1/23.]

BACKGROUND CHECK CENTRAL UNIT

WAC 388-06-0700 What definitions apply to WAC 388-06-0700 through 388-06-0810? The following definitions apply to WAC 388-06-0700 through 388-06-0810:

"Applicant" means an employee, volunteer, student, intern, licensee, service provider, contractor, or other individual who is the subject of the background check and who will work in a position that:

(1) May have unsupervised access to vulnerable adults, the developmentally disabled, juveniles, or children; or

(2) Is designated by the department as having access to sensitive information.

"Authorized entity" means a department, administration, division, program, unit, service provider, licensee, contractor, or other public or private entity that has permission from the department to submit and receive background checks through BCCU.

"Background check central unit" or "BCCU" is the program responsible for conducting background checks for the department.

(1) BCCU is responsible for:

(a) Compiling background check information from external and internal data sources;

(b) Determining whether an applicant's background check information matches to the appropriate department list of disqualifying crimes and negative actions; and

(c) Providing information to the authorized entity who requested the background check.

(2) BCCU does not:

(a) Make the final hiring, contracting, placement, or licensing decision for the department or authorized entity;

(b) Determine what program, service provider, licensee, contractor, or other public or private agency qualifies as an authorized entity; or

(c) Determine what crimes and negative actions are disqualifying under the respective department lists.

"Background check result" means a written notification that provides information on the results of the background check process conducted for an applicant. The following are all background check results:

(1) **"Disqualify result"** means that BCCU has determined that the applicant's background check information has one or more items requiring automatic disqualification.

(2) **"No record result"** means that BCCU has determined that no background information has been reported requiring automatic disqualification or review.

(3) **"Review required result"** means that BCCU has determined that the applicant has one or more items of background check information, none of which require automatic disqualification.

"Certificate of restoration of opportunity" or **"CROP"** means a certificate obtained under chapter 9.97 RCW.

"Data sources" may include state and federal law enforcement records, state court records, agency databases, or other sources depending on the type of check conducted. More detailed information may be available on the BCCU page of the department's website or by calling the department.

"Department" means the department of social and health services.

[Statutory Authority: RCW 9.97.020, WSR 17-19-073, § 388-06-0700, filed 9/15/17, effective 10/16/17. Statutory Authority: RCW 43.43.832, 74.39A.055, 74.39A.050, 74.39A.095, 74.39A.260, 43.20A.710, and 43.43.837. WSR 10-16-083, § 388-06-0700, filed 7/30/10, effective 8/30/10.]

WAC 388-06-0710 Who may submit a background check to the background check central unit? An authorized entity may request a background check through the background check central unit when the authorized entity has:

(1) A valid background check central unit account number;

(2) A current department background authorization form filled out and signed by the applicant; and

(3) Submitted the background check request under the applicable program requirements.

[Statutory Authority: RCW 43.43.832, 74.39A.055, 74.39A.050, 74.39A.095, 74.39A.260, 43.20A.710, and 43.43.837. WSR 10-16-083, § 388-06-0710, filed 7/30/10, effective 8/30/10.]

WAC 388-06-0720 Who receives the results of a background check conducted by the background check central unit? (1) The background check central unit follows laws related to the release of criminal

history records (chapter 10.97 and 43.43 RCW), public disclosure (chapter 42.56 RCW); and other applicable laws when releasing background information.

(2) The authorized entity who submits a background check request receives a copy of the background check results.

(3) The background check applicant may request a copy of his or her background check results.

(4) As required in RCW 74.39A.055(2), the department will share the results of state and national background checks with the Washington department of health to satisfy its certification responsibilities under chapter 18.88B RCW.

[Statutory Authority: RCW 43.43.832, 74.39A.055, 74.39A.050, 74.39A.095, 74.39A.260, 43.20A.710, and 43.43.837. WSR 10-16-083, § 388-06-0720, filed 7/30/10, effective 8/30/10.]

WAC 388-06-0800 When must BCCU include a statement about a certificate of restoration of opportunity?

(1) Except as provided for in subsections (2) through (4) of this section, BCCU must include a statement about any existing CROP in background check results for all applicants that the department is authorized to disqualify for:

(a) A license;

(b) A certificate of authority;

(c) Qualification to engage in the practice of a profession or business; or

(d) Admission to an examination to qualify for such a license or certificate.

(2) BCCU is not required to include a statement about any existing CROP for an applicant who is exempt under chapter 9.97 RCW.

(3) BCCU is not required to include a statement about any existing CROP when BCCU issues any interim communications, including when:

(a) Requesting additional information;

(b) Notifying about an error;

(c) Rejecting a form;

(d) Requesting a thumbprint; or

(e) Any other communication that does not assess the final results of a processed background check.

(4) BCCU is not required to include a statement about any existing CROP in any no record result.

[Statutory Authority: RCW 9.97.020. WSR 17-19-073, § 388-06-0800, filed 9/15/17, effective 10/16/17.]

WAC 388-06-0810 Does a certificate of restoration of opportunity apply to any state abuse and neglect registry?

A CROP does not apply to any state abuse and neglect registry. No finding of abuse, neglect, or misappropriation of property may be removed from such registry based solely on a CROP.

[Statutory Authority: RCW 9.97.020. WSR 17-19-073, § 388-06-0810, filed 9/15/17, effective 10/16/17.]