

**WAC 388-71-0512 What is included in Washington state's name and date of birth background check and the Washington state and national fingerprint-based background check?** (1) Washington state's name and date of birth background check includes a check of:

(a) Records contained in databases maintained by the Washington state patrol, including records of pending charges and criminal convictions.

(b) Records maintained by the Washington state department of corrections and the Washington state administrative office of the courts judicial information system.

(c) Records of negative actions, final findings, or civil adjudication proceedings of any agency or sub-agency.

(i) A "negative action" includes the denial, suspension, revocation, or termination of a license, certification, or contract for the care of children, as defined in RCW 26.44.020, or vulnerable adults, as defined in RCW 74.34.020, for noncompliance with any state or federal regulation.

(ii) A "civil adjudication proceeding" is a judicial or administrative adjudicative proceeding that results in a finding of, or upholds any agency finding of, domestic violence, abuse, sexual abuse, exploitation, financial exploitation, neglect, abandonment, violation of a child or vulnerable adult under any provision of law, including but not limited to chapters 13.34, 26.44, or 74.34 RCW or rules adopted under chapters 18.51 and 74.42 RCW. "Civil adjudication proceeding" also includes judicial or administrative findings that become final due to the failure of the alleged perpetrator to timely exercise a legal right to administratively challenge such findings.

(iii) Negative actions and civil adjudication proceedings include but are not limited to, findings made and actions taken by:

- (A) DSHS adult protective services;
- (B) DSHS residential care services;
- (C) DSHS children's protective services;
- (D) The Washington state department of health; and
- (E) The nursing assistant registry;

(iv) Any pending charge, criminal conviction, civil adjudication proceeding or negative action disclosed by the applicant.

(2) The Washington state and national fingerprint-based background check includes a check of:

- (a) Washington state records;
- (b) Federal Bureau of Investigation (FBI) records; and
- (c) The national sex offender registry.

(3) Except as prohibited by federal law, results are shared with the employer or prospective employer and with the department of health, as authorized.

[Statutory Authority: RCW 74.08.090, 74.09.520. WSR 13-02-023, § 388-71-0512, filed 12/20/12, effective 1/20/13.]