

Developmental Disabilities Administration  
**Frequently Asked Questions**  
**Background Checks for Residential Providers**

- Q: Do all staff need to be fingerprinted after January 1, 2016?**  
**A:** Only new staff hired on or after January 1, 2016 need to be screened through a Washington state name/Date of Birth (DOB) check and FBI fingerprint check. Renewals only need to include a fingerprint based check if the employee lives out of state or has not continuously resided in Washington the previous three years.
- Q: Can staff work unsupervised while waiting for the results of their FBI fingerprint check?**  
**A:** A staff may work unsupervised for up to 120 days if their Name/Date of Birth check has come back from the DSHS Background Check Unit (BCCU) as non-disqualifying, they have had their fingerprint appointment, and provided you with a receipt. This is referred to as the 120 day provisional hire.
- Q: Who can we contact about issues with getting staff fingerprinted due to long days or availability of the MorphoTrust site?**  
**A:** The BCCU monitors the contract with MorphoTrust, the fingerprint vendor. Inform them if your agency is having any issues or concerns with MorphoTrust and ask for the staff who monitors the MorphoTrust contract.
- Q: What is the status of the new electronic background check system?**  
**A:** The BCCU has been working to create an online background check system that providers will be able to use to submit background checks for processing. There may be opportunities for user testing and training along the way. You can find out more information and a project timeline by going to the BCCU project page: <https://www.dshs.wa.gov/fsa/background-check-central-unit/background-check-system-project>.
- Q: How do I stay informed of background check changes?**  
**A:** Join the BCCU listserv!  
Daily emails regarding turnaround times  
Monthly BCCU statistics  
BCCU legislative updates  
Form changes  
Policy changes  
Process Changes  
New electronic background check system updates  
You may join the BCCU ListServ by sending your name and email address to [BCCUInquiry@dshs.wa.gov](mailto:BCCUInquiry@dshs.wa.gov).

**Q: Is it true that Supported Living agencies are being asked to pay back for audit findings?**

- A:** DDA may issue an overpayment notice for staff who work or have worked in an unsupervised capacity with clients under the following conditions:
- Following the BCCU issuing a disqualifying background check result letter;
  - Following the BCCU issuing a Record Result without evidence that the agency completed a Character, Competence, and Suitability Review for the crime(s) or condition; or
  - Have an expired background check (older than 3 years old)

Agencies cannot claim Instruction & Support Services (ISS) hours for staff who do not meet background check requirements.

**Q: How do we ensure that we remain in compliance with background check rules?**

- A:** New Hires: Track fingerprint and provisional hire dates. Do not allow someone to go over the 120 day provisional hire limit.
- Character, Competence, & Suitability (CC&S) Reviews: Ensure staff do not work unsupervised if they have a Record Result from the BCCU until they have a signed and dated Character, Competence, & Suitability Review.
- Disqualifying Results: Ensure staff with disqualifying results have no access to clients immediately upon receiving the result.
- Renewals: Ensure your agency has a system in place to track renewals. Start the renewal process 2-3 months early to account for any issues that may come up.
- Discrepancies: Ensure that the names and dates of birth on the background check application are correct and matches with the person's government issued identification. If there is discrepancy with the name or birth date on the background check result, contact BCCU immediately to get it corrected. If staff have any name changes during their employment, run a new check!
- Documentation: Keep copies of anything background check related in a staff/applicant's file. Make sure you can prove if they were working supervised pending the result of a check.

**Q: What do we do if we receive a background check result from the BCCU that says a review is required?**

- A:** Complete a Character, Competence, and Suitability Review. This is a screening and assessment that the employer conducts on a current or potential employee to determine if they should have unsupervised access to individuals with developmental disabilities. Include in your review:
- 1) The amount of time that has passed since the individual was convicted or was subject to a negative action;
  - 2) The seriousness of the crime or action that led to the conviction or finding;
  - 3) The number and types of other convictions in their background;
  - 4) Their age at the time of conviction;
  - 5) Documentation indicating they have successfully completed all court-ordered programs and restitution;
  - 6) Review of FBI RAP sheets (if applicable – must ask applicant to obtain from BCCU)

- 7) Their behavior since the conviction; and
- 8) The vulnerability of those that would be under their care.

This information should be compiled and documented. There is not a form that must be used; a sample template is included below. Your agency can also use other formats, as long as the factors and decisions are documented, signed by the reviewer, and dated. The review does not need to be returned to the BCCU or DDA. The agency must retain this document for certification evaluation. The review should be completed prior to the individual having unsupervised access to individuals with developmental disabilities.



CCS documentation  
form 502.doc

**Q: Do we need to conduct a new Character, Competence, and Suitability Review at each background check renewal?**

**A:** A new Character, Competence, and Suitability (CCS) Review only needs to be done again if there is a change in information (RAP sheet, disclosure, etc.). At a minimum, you must review all information provided and if there are no changes at all, reference the CCS review on file on the current background check result, sign it, and write the current date. If there is any new or different information, or there are concerns, a new CCS review must be conducted.

**Q: Can we conduct a Character, Competence, and Suitability Review for an individual who has a disqualifying background check?**

**A:** No. Community Residential Service Providers must ensure that individuals with disqualifying background check results have no access to individuals supported by their agency per [DDA Policy 5.01](#).

**Q: What do we do if we receive an “Additional Information Needed” letter from the BCCU?**

**A:** Result of Name/DOB check: Applicant cannot work with clients until they provide more information to BCCU.

Result of fingerprint check: Applicant can work through a provisional hire but must submit the needed information to BCCU and resolution must be reached by the 120th day.

Result of renewal: Applicant must submit the needed information to BCCU and resolution must be reached within 30 days. Renewal/Recheck timeframes must still be met.

**Q: Are there any exceptions to the automatic disqualifying crimes?**

**A:** Yes. [WAC 388-113-0040](#) allows for exceptions for Assault 3, Simple Possession and Manufacturing/Deliver/Intent to Deliver a Controlled Substance crimes, under certain conditions:

Conditions must be met:

- The conviction date for the crimes must be before July 25, 2014;
- The individual has to continue to work for the same employer; and

- The employer or hiring entity must:
  - Review the individual's character, competence and suitability; and
  - Have documentation on file demonstrating the results of the CC&S
  - Have documentation on file demonstrating that the individual meets all of the conditions, including a copy of a background check result letter dated prior to July 25, 2014, indicating the individual was not disqualified
- Conditions met? Ensure everything is kept on file; be ready to provide in an audit or certification evaluation. No additional approval is needed.

**Q: We have an employee who wasn't previously disqualified but now when we ran their renewal check they received a disqualifying result and there are no changes. What does this mean?**

**A:** Employees who were previously cleared to work may have criminal convictions that are now disqualifying (7/1/2014):

- Burglary 1
- Extortion
- Promoting Pornography
- Promoting Prostitution 1
- Theft 1

When renewals come up for these employees they will now receive a disqualifying letter. There are no exceptions to these crimes; if a disqualifying letter is received, the Community Residential Service Provider must ensure the person has no access to individuals supported by their agency.

**Q: Do I have to share copies of the background check result with the applicant?**

**A:** Yes. Provide copies of all background check Notification Letters and all attachments (including RAP sheets) and notices for fingerprint rejects to the applicant. Notification Letters and attachments must be provided to the applicant within 10-days of receipt from BCCU.

**Q: How often do background check renewals need to be conducted?**

**A:** Every 3 years. Renewals typically take longer to process, so allow sufficient time. You should have a tickler system set up to ensure time for the result to be received and reviewed prior to expiration (recommend several months).

**Q: Where can we go for more information about background check laws, rules, and polices?**

**A:**

[DDA Policy 5.01](#) *Background Check Authorizations*

[Chapter 388-113 WAC](#) *Disqualifying Crimes and Negative Actions*

[Chapter 74.15 RCW](#) *Care of Children, Expectant Mothers, Persons with Developmental Disabilities*

[RCW 74.39A.056](#) *Criminal History Checks on Long-term Care Workers*

[RCW 43.43.830 - 845](#) *Background Checks*

[Chapter 388-101 WAC](#) *Certified community residential services and supports*

[Chapter 388-825 WAC](#) *Developmental Disabilities Service Rules*