



DEVELOPMENTAL DISABILITIES ADMINISTRATION  
Olympia, Washington

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TITLE: BACKGROUND CHECK AUTHORIZATIONS POLICY 5.01

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Authority: [RCW 43.20A.710](#) *Investigation of Conviction Records or Pending Charges of State Employees and Individual Providers*  
[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 9.96A RCW](#) *Restoration of Employment Rights*  
[Chapter 388-101 WAC](#) *Certified community residential services and supports*  
[Chapter 388-113 WAC](#) *Disqualifying Crimes and Negative Actions*  
[Chapter 388-825 WAC](#) *Developmental Disabilities Service Rules*  
[WAC 162-12-140](#) *Pre-employment Inquiries*

**BACKGROUND**

[RCW 43.43.830-845](#) requires DSHS to conduct background checks on persons who may have unsupervised access to individuals with developmental disabilities.

[RCW 74.15.030](#) requires DSHS to consider the character, suitability, and competence of persons or agencies who are authorized to care for individuals with developmental disabilities, prior to authorizing care. Also, for persons who have resided outside the state within the last three (3) years, DSHS must submit the applicant’s fingerprints for a national criminal history record check through the Federal Bureau of Investigation (FBI).

[RCW 74.39A.056](#) requires most long-term care workers, including individual providers (IPs), to have fingerprint-based checks prior to initial hire or initial contract. Community residential service providers (see Definitions) are subject to name/date of birth (DOB) checks only, unless they have resided in Washington State for less than three (3) continuous years as described above.

**PURPOSE**

This policy describes procedures for background check authorizations conducted by DSHS for the Developmental Disabilities Administration (DDA).

**SCOPE**

This policy applies to DDA staff that initiate or manage any provider contract that may involve unsupervised access to individuals with developmental disabilities, programs/services provided by counties that are funded by DDA (including employment and day program services), and the following DDA contracted residential service programs:

For adults:

- Supported Living (SL)
- Group Homes (GH)
- Group Training Homes (GTH)
- Companion Homes (CH)
- State Operated Living Alternatives (SOLA)
- Community Intermediate Care Facilities for Persons with Intellectual Disabilities (ICF/ID)

For children:

- State Operated Living Alternatives (SOLA)

DDA direct hires (except SOLA employees), volunteers, and student interns are not covered by this policy. Refer to [DSHS Administrative Policy No. 18.63](#), Employee Background Check Requirements. This link is available on the DSHS intranet website only.

For Children's Licensed Staff Residential Programs, DDA recognizes Children's Administration background check process. No separate DDA background check is required.

**DEFINITIONS**

For the purposes of this policy, the following definitions apply:

**Applicant** means an individual who has signed the DSHS background check authorization form under penalty of perjury. The individual is also considered the subject of the background check.

**Background Check** means a review of an individual's criminal history and a review of any civil adjudication proceedings.

**Civil Adjudication Proceeding** is a judicial or administrative adjudicative proceeding that results in a finding of, or upholds an agency finding of, domestic violence, abuse, sexual abuse, neglect, abandonment, violation of a professional licensing standard regarding a child or

vulnerable adult, or exploitation or financial exploitation of a child or vulnerable adult under any provision of law, including but not limited to, chapter [13.34](#), [26.44](#), or [74.34](#) RCW, or rules adopted under chapters [18.51](#) and [74.42](#) RCW.

**Background Check Central Unit (BCCU)** means the office within DSHS responsible to search, process, and report background information for authorized service providers and DSHS administrations.

**Character, Competence, and Suitability (CCS)** means the screening and assessment of the potential personal and professional capability of an employee or applicant to work with or serve individuals with developmental disabilities based on a review of crimes and negative actions.

**Community Residential Service Business** means a business as described in [RCW 74.39A.009 \(5\)](#).

**Contractor** means a provider who carries a contract with DSHS to provide services to individuals with developmental disabilities and who may hire employees.

**Covered Position** means a position that requires a background check as a condition of employment. All DDA positions are covered positions.

**Disciplinary Board Final Decision** means a finding issued by the Department of Health (DOH) for violation of the Uniform Disciplinary Act. The Act governs health care providers and individuals licensed, certified, or registered by DOH ([Chapter 18.130 RCW](#)).

**Fingerprint Check** means a fingerprint check is considered a positive identification check. The fingerprints of an applicant are reviewed to match fingerprints taken at the time of an arrest or conviction of a crime.

**Long-Term Care Workers** means all persons who provide paid, hands-on personal care services for the elderly or persons with disabilities, including but not limited to, individual providers of home care services, direct care workers employed by home care agencies, providers of home care services to persons with developmental disabilities under Title [71A RCW](#), all direct care workers in state-licensed assisted living facilities, and adult family homes, respite care providers, direct care workers employed by community residential service businesses, and any other direct care worker providing home or community-based services to the elderly or persons with functional disabilities or developmental disabilities.

**Negative Action** means any action taken against the applicant, including but not limited to, the following:

- A decision issued after a due process civil adjudicative proceeding by a state agency or an Administrative Law Judge showing a finding of abandonment, abuse, neglect, exploitation, or financial exploitation of a child, juvenile, or vulnerable adult;

- Termination, revocation, suspension, or denial of a professional license, certification, and/or state or federal contract;
- Relinquishment of a license, certification, or contract in lieu of negative action;
- Revocation, suspension, denial or restriction placed on a professional license; and
- Disciplinary board final decisions.

**OCA Number** means the Originating Case Agency number assigned by the BCCU to track individual background checks.

**ORI Number** means a number assigned by the FBI and used to identify the origination information for a request for a fingerprint-based check.

**Parent** means the natural or adoptive mother or father of a child, including a presumed father under [Chapter 26.26 RCW](#). It does not include any person whose parent-child relationship has been terminated by a court of competent jurisdiction.

**Pending Charge** means a charge for an offense or crime that has not been addressed by the court. A pending charge in Washington will show on a RAP sheet for only twelve (12) months after the charge was filed if the court has not made a decision.

**Provider** means any individual or entity that provides services to DSHS.

**Requestor** means the requestor is the individual or entity who submits the background authorization form to BCCU.

**Roll** means printing or scanning the applicant's fingerprints on the Washington State Patrol (WSP)/FBI identification card.

**Secure Fax Location** means (as defined by the WSP) a location accessible only to designated employees responsible to handle and process authorization forms and information related to background checks.

**Self-Disclosure** means crimes and negative action information provided directly by the applicant.

**Unsupervised access** means not in the presence of:

- Another employee or volunteer from the same business or organization as the applicant;  
or

- Any relative or guardian of a child with a developmental disability or vulnerable adults to which the applicant has access during the course of his or her employment or involvement with the business or organization ([RCW 43.43.830](#)).

**Volunteer** means any person who will have regularly scheduled unsupervised access to persons with a developmental disability during the course of his or her involvement with the business or organization.

**Vulnerable Adult** means adults of any age who lack the functional, mental, or physical ability to care for themselves ([RCW 43.43.830](#)).

### **POLICY**

- A. Individuals who may have unsupervised access to persons with developmental disabilities must complete a DSHS background check.
- B. All new long-term care workers must have fingerprint-based background checks unless they are exempted as a Community Residential Service Business (CRSB) as defined in [RCW 74.39A.009](#).
- C. Beginning January 1, 2016, all new long-term care workers, including CRSBs, must have fingerprint-based background checks.
- D. Background checks must be renewed at least every three (3) years or more often as required by program rule or contract. Renewals only require a Washington State name/DOB check if the individual has resided within Washington State for the previous three (3) years.
- E. All individuals who have resided less than three (3) continuous years in Washington State must have fingerprint-based background checks. This includes individuals who reside out of state, but work in Washington State.

### **PROCEDURES**

#### A. **Requirements**

1. Individuals who may have unsupervised access to DDA clients must pass a background check, using [DSHS 09-653](#), *Background Authorization* form.
2. Individuals may not work in a capacity that involves unsupervised access to clients until non-disqualifying background check results are received from the department.
3. Long-term care workers, including individual providers, must have fingerprint-based checks prior to initial hire or initial contract.

4. Background checks must be renewed according to program rules, and in no case longer than three (3) years. If the background check is expired, the individual may not have unsupervised access to DDA clients. (Note: background checks for individual providers are renewed every two (2) years, per contract language.)

**B. Washington State Name/DOB Checks**

1. Applicant must complete the [DSHS 09-653](#), *Background Authorization* form.
2. Requestor must verify that the applicant has completed the form correctly and confirm that there is no information missing.
3. Requestors must check the applicant's photo identification (i.e., driver's license, government identification card (ID), tribal ID, or passport) to verify the applicant's identity and that the name, date of birth, and signature match the information provided on the [DSHS 09-653](#), *Background Authorization* form.
4. For new or initial hires, print the statement: **"New Hire,"** or **"Initial Contract,"** on the processing code box in the top right corner of the form. **If the applicant is for a Community Protection Program, write "New Hire" in this box.**
5. Internal DDA staff may use the [On-line ADSA Background Check Application](#) or submit a copy of the form by fax or mail to the DSHS BCCU. Note: Service providers running checks on applicants/employees must fax or mail the form to the BCCU.
6. Providers must submit the [DSHS 09-653](#), *Background Authorization* form to the DSHS BCCU as follows:

By fax: (results will be faxed to the requestor's secure fax location on file with BCCU):

Attention: Background Check Central Unit  
Fax (360) 902-0292

By mail: (results will be returned by fax if the requestor has a secure fax location on file with BCCU or by mail to the requestor's official mailing address on file with BCCU):

Background Check Central Unit  
P.O. Box 45025  
Olympia, Washington 98504-5025

Note: If hiring individuals prior to receiving initial background check results, service providers must have documentation in their records ensuring the employee has no

unsupervised access to individuals with developmental disabilities until they have a non-disqualifying DSHS background check and Character, Competence, and Suitability review if applicable. This must include information on who is assigned to supervise them in the presence of clients.

C. **Fingerprint-based FBI Check Procedures**

1. Complete the [DSHS 09-653](#), *Background Authorization* form.
2. Print the statement: **“Fingerprint Check Required”** on the processing code box in the top right corner of the form.
3. DDA contracts staff working on DDA contracts may generate an OCA number online via the [DSHS OCA Generator](#) or fax the completed background authorization form to the BCCU to receive the OCA number.
4. Fax or mail the completed [DSHS 09-653](#), *Background Authorization* form to the BCCU. Include OCA number if OCA generator was used.
5. The requestor will receive a Name/DOB Initial State Results letter with the OCA/BCCU tracking number from the BCCU in approximately one to two working days. The OCA number specific to this check will be required for scheduling.
6. Complete [DSHS 27-059](#), *Fingerprint Appointment* form with the applicant for scheduling purposes.
7. Either the requestor or the applicant schedules the electronic fingerprinting appointment at the nearest *electronic fingerprinting* location:
  - a. Electronically: Go to [www.identogo.com/FP/Washington](http://www.identogo.com/FP/Washington) (available 24/7); or
  - b. Call **1-888-771-5097** (Monday-Friday 8am – 5pm).

The applicant attends fingerprinting appointment at DSHS contracted fingerprint company location with a copy of the completed [DSHS 27-059](#), *Fingerprint Appointment* form and required picture identification (ID).

8. The electronic fingerprinting company provides the applicant with an appointment confirmation receipt and sends electronic prints to the BCCU for completion of the federal check. The requestor must retain a copy of this receipt from the applicant.

**D. Alternative Fingerprinting Resources**

1. Prior approval from the DDA Background Check Program Manager is required if fingerprinting resources other than the DSHS electronic fingerprinting contracted vendor are to be used. Approval will be made according to each individual case. Circumstances that may justify approval include, but are not limited to, the following:
  - a. Extreme weather conditions;
  - b. Health issues; or
  - c. A commute of greater than fifty (50) miles.
2. Alternative fingerprinting resources are limited to a local law enforcement agency, a qualified person trained by WSP to roll fingerprints, or another agency contracted with DSHS to provide fingerprint services.
3. When using alternative fingerprinting resources, proceed as follows:
  - a. The requestor provides the applicant with an original FBI fingerprint card pre-printed with the authorizing law and ORI number, a pre-addressed stamped envelope, and a letter explaining that the rolling agency must return the fingerprint card to the requestor in the pre-addressed stamped envelope.
  - b. The requestor provides instructions to the applicant on getting fingerprints rolled.
  - c. The applicant provides the fingerprint card packet to the rolling agency and has fingerprints rolled.
  - d. The applicant pays the fingerprint rolling fee, if applicable.
  - e. The rolling agency mails the completed fingerprint card to the requestor in the pre-addressed stamped envelope provided by the requestor.
  - f. The requestor mails the completed card to BCCU with the background authorization form and the applicant's identification documentation to BCCU.

**E. Provisional Hires**

1. Service Providers may provisionally hire a person for 120 days as allowed under the law when:



- a. The person is required to have a fingerprint check for a national criminal history check through the FBI and the fingerprint check is pending; and
  - b. The applicant or service provider is not disqualified based on the initial result of the state background check from DSHS;
2. Service Providers making a provisional hire must ensure electronic prints have been submitted prior to the provisional hire by retaining a copy of the fingerprint receipt from the applicant.
  3. For individual providers, ensure the client/legal representative completes [DSHS 11-055](#), *Acknowledgement of My Responsibilities as the Employer of My Individual Providers* form on an annual basis. CRM/Social Worker must document the client/legal representative's provisional hiring decision for each Individual Provider hired in a Service Episode Record (SER).

F. **Background Check Results Letters**

1. BCCU will send one of the following results letters in response to the background check:
  - a. **“No Record”** This letter indicates that no disqualifying crimes or negative actions were found during the background check. However, the requestor remains responsible to determine the applicant's suitability for employment; or
  - b. **“Review Required”** This letter indicates that the background check found the applicant has a record of criminal conviction(s) or other negative actions that do not automatically disqualify the individual. However, the requestor must review the character, competence, and suitability of the applicant to determine whether or not it would be appropriate to hire the applicant; or
  - c. **“Disqualify”** This letter indicates that the applicant has a record of criminal conviction(s) or other negative actions that may disqualify the applicant from employment. The requestor must compare the specific conviction(s) or negative actions with the applicable list of disqualifying crimes and negative actions in [WAC 388-113](#) and ensure that applicants with disqualifying records are not hired. If an existing employee receives this letter the service provider must ensure that they are immediately removed from having unsupervised access to persons with developmental disabilities. For employees hired prior to July 24, 2014, refer to [WAC 388-113-0040](#) for certain exceptions that may apply.

- d. **“Additional Information Required”** This letter indicates that more information is needed in order for the background check to be completed.
2. Requestor’s must maintain a copy of the results letters and their attachment(s) according to retention requirements.
3. Background letter and attachments must be provided to the applicant.
4. Fingerprint results for non-governmental agencies do not include FBI RAP sheets (criminal activity found through a fingerprint-based FBI check). The applicant must obtain these from the BCCU and share them with the requestor since FBI documents cannot be provided to the contracted provider.

G. **Disqualifications**

1. DSHS must automatically disqualify an applicant if their background check reveals crimes and negative actions on the list of disqualifying crimes and negative actions in [WAC 388-113-0020](#).
2. Applicants may request a review of the results by the DDA Background Check Program Manager if the results indicate a Department of Health (DOH) or DSHS finding unrelated to abuse or neglect.
3. Individuals employed by Community Residential Service Providers (including owners, administrators, volunteers, and all staff) who receive a DSHS background check with disqualifying results must not have **any** access to DDA clients.
4. DDA clients with disqualifying background check results who are employed by a service provider must not have any unsupervised access to clients in the course of their employment duties.

H. **Character, Competency, and Suitability Review**

1. When the results letter indicates that an applicant’s character, competence, and suitability (CCS) must be reviewed, the following information must be considered ([WAC 388-825-0650](#)):
  - a. The amount of time that has passed since the conviction or negative action;
  - b. The seriousness of the crime that led to the conviction or finding;
  - c. The number and types of other convictions in the applicant’s background;
  - d. Applicant’s age at the time of conviction;

- e. Documentation indicating successful completion of all court-ordered programs and restitution;
  - f. Review of FBI RAP sheets (if applicable)
  - g. Applicant's behavior since the conviction; and
  - h. The vulnerability of those that would be under the applicant's care.
2. The CCS review must also be conducted when an applicant has pending charges and negative actions that are not automatically disqualifying, per [WAC 388-825-0645](#).
  3. Requesters must report to BCCU any new convictions, pending charges, and negative actions discovered during the CCS review.
  4. The CCS review must be documented and maintained in the employee's file according to retention requirements. CCS reviews for renewal background checks can only be used again if there is no new or different information. In these cases, the reviewer should re-sign and date the CCS form, as well as indicate that there have been no changes. If there is new or different information, a new CCS review must be conducted.

I. **Applicant Self-Disclosure**

The [DSHS 09-653](#), *Background Authorization* form requires the applicant to disclose their criminal background, licensing, and abuse and neglect information under penalty of perjury.

1. If an applicant self-discloses a disqualifying crime, the employment process may end before verifying the disclosure.
2. The completed [DSHS 09-653](#), *Background Authorization* form must be sent to BCCU when there are self-disclosures, even if the employment process stops.

J. **Correcting Flawed Background Check Information**

1. If an applicant reports that the conviction record is incorrect, direct the applicant to contact the WSP to get the conviction record corrected and to contact BCCU to report the error.
2. If an applicant reports that the negative actions on their background check are incorrect, direct the applicant to contact the agency that submitted the negative action and to contact BCCU to report the error.

3. The requestor must report to BCCU when the information returned by BCCU does not match the applicant's identifying information provided to BCCU.

**K. Obtaining or Changing BCCU Account Information**

Providers must maintain a BCCU account for background check purposes. The process for obtaining a new BCCU account is as follows:

1. Provide the DDA Background Check Program Manager with the following:
  - a. Provider's business name;
  - b. Contact person for background checks;
  - c. Phone number;
  - d. Secure/confidential fax number;
  - e. Mailing address; and
  - f. Physical address.
2. DDA Central Office staff will request an account number from BCCU.
3. DDA Central Office staff will email the BCCU account number to the requestor with general directions on how to manage background check authorizations.
4. If changes are needed to an existing account:
  - a. The contractor must contact the DDA Background Check Program Manager directly with their account number and requested changes.
  - b. Central Office staff will submit change information to the BCCU. Changes are usually effective in 24 hours.

**L. Access to Information**

BCCU generally provides the results of the background inquiries to the requestor within fourteen (14) working days, except for FBI inquiries which may take six (6) weeks or longer. Refer to the [BCCU Turnaround Times](#) for updated information.

Only designated and trained staff responsible for the screening, faxing, mailing, and receipt of background checks results are permitted to have access to the background information records. Information must be kept in a secure location. Applicants have the right to expect all background check information will be kept confidential.

M. **Noncompliance**

Failure of providers or contractors to adhere to this policy will constitute a breach of contract.

**EXCEPTIONS**

Any exception to this policy must be allowable by law and have the prior written approval of the Deputy Assistant Secretary.

**SUPERSESSSION**

DDD Policy 5.01  
Issued October 1, 2012

Approved:     /s/ Donald Clintzman      
Deputy Assistant Secretary  
Developmental Disabilities Administration

Date: July 1, 2015