



**SCOPE**

This policy applies to:

- DDA staff that initiate or manage contracts;
- County staff;
- DDA-funded programs and services contracted through a county, including employment and day program services and Community Information and Education services providers; 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)
- Alternative Living (AL)

For children:

- State-Operated Living Alternatives (SOLA)
- Community Crisis Stabilization Services (CCSS)

Service provider employees, administrators, owner-administrators, subcontractors, volunteers, and any other employee who may have unsupervised access to a DDA client must have a background check except as noted below.

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 accepts the Children's Administration's background check results. No separate DDA background check is required.

For agencies who also conduct work through the Division of Vocational Rehabilitation (DVR), DDA and DVR background checks must be completed.

**DEFINITIONS**

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

**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 may have unsupervised access as defined in RCW 43.43.830 to minors or vulnerable adults.

**Background Check** means a Washington state name and date of birth check or a fingerprint check, or both.

**Initial Background Check** means the first background check that is completed for purposes of hiring or contracting with an individual.

**Washington State Name and Date of Birth Check** means a search of Washington state criminal history and negative action records using the applicant's name and date of birth.

**Interim Background Check** means a preliminary notification of a fingerprint-based background check process. This is provided once a Washington state name and date of birth check is completed before the applicant is fingerprinted.

**Fingerprint-based Background Check** means a Washington state name and date of birth search, as well as a fingerprint-based search of in-state criminal history records, through the Washington State Patrol and national criminal history records through the Federal Bureau of Investigation.

**Renewal Background Check** means a background check completed for purposes of renewing a contract or qualification for employment.

**Background Check Central Unit (BCCU)** means a division within the department that processes background checks for department-authorized service providers and department programs who serve vulnerable individuals across Washington State.

**Character, Competence, and Suitability (CCS) Review** 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 DDA position that requires a background check as a condition of employment. All DDA positions are covered positions.

**Department** means the Washington State Department of Social and Health Services.

**Instruction and Support Services (ISS) staff** means long-term care workers of the service provider whose primary job function is to provide instruction and support services to clients. Instruction and support services staff includes employees of the service provider whose primary job function is to supervise the instruction and support services staff. In addition, both applicants, prior to initial certification, and administrators, prior to assuming duties, who may provide instruction and support services to clients must be considered instruction and support services staff for the purposes of the applicable training requirements.

**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.

**Name and date of birth check** is a search of Washington state criminal history and negative action records using the applicant's name and date of birth.

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

- 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, 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 criminal charge for a disqualifying crime has been filed in a court of law. The department has not received documentation showing the disposition of the charge.

**Provider** means any individual or entity that provides services under contract with DDA.

**Record of Arrest and Prosecution (RAP sheet)** means a record kept by law-enforcement authorities of a person's arrests and convictions.

**Requestor** means the person or entity that requested the background check from the background check central unit.

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

**Secure Fax Location** means 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 adult 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 Adults** 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 DDA clients must complete a background check through the DSHS Background Check Central Unit.

- B. Beginning January 1, 2016, all new long-term care workers must have fingerprint-based background checks.
- C. Background checks must be renewed at least every three years or more often as required by program rule or contract. Renewals only require a Washington State name and date of birth background check if the individual has resided within Washington State for the previous three years.
- D. All individuals who have resided fewer than three continuous years in Washington State must have fingerprint-based background checks. This includes individuals who reside out of state and work in Washington State.
- E. Individuals who may have unsupervised access to DDA clients must self-disclose any pending or new criminal charges that occur between regularly scheduled background checks to their hiring authority.

## **PROCEDURES**

### **A. Requirements**

1. Individuals who may have unsupervised access to DDA clients must have non-disqualifying DSHS background check results.
2. Individuals must not work in a capacity that involves unsupervised access to clients until non-disqualifying initial background check results are received from the department. A Character, Competence and Suitability Review must also be completed, prior to granting unsupervised access, when background check results reveal non-disqualifying crimes or negative actions.
3. Long-term care workers must have fingerprint-based background checks prior to having unsupervised access to clients. Note: See Section E, *Provisional Hire*.
4. Background checks must be renewed at least every three years, or more frequently if required by program rule. If the background check is expired, the individual may not have unsupervised access to DDA clients. (Note: Background checks for individual providers, assisted living facilities, group homes, and adult family homes are renewed every two years.)
5. If an individual works prior to the initial background check result, the service provider must develop and maintain a detailed supervision plan, including who will provide the supervision and how breaks will be managed.

**B. Washington State Name and DOB Background Checks**

1. Applicant must complete the [DSHS 09-653](#), *Background Check Authorization* form.
2. Requestor must verify that the applicant has completed the form correctly and confirm that there is no information missing.
3. Requestor must check the applicant's photo identification (ID) (i.e., driver's license, government 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 Check 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 [Online ADSA Background Check Application](#) or submit a copy of the form by fax or mail to the DSHS BCCU. Note: Service providers running background checks on applicants or employees must fax or mail the form to the BCCU.
6. Providers must submit the [DSHS 09-653](#), *Background Check 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

**C. Fingerprint-Based Background Check Procedures**

1. Applicant must complete the [DSHS 09-653](#), *Background Check 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 Check Authorization* form to the BCCU. Include OCA number if OCA generator was used.
5. The requestor will receive a Washington State name and DOB results notification letter with the OCA tracking number from the BCCU. 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. Go to [www.identogo.com/FP/Washington](http://www.identogo.com/FP/Washington); or
  - b. Call **1-888-771-5097** (Monday-Friday 8 a.m. – 5 p.m.).

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

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. Fingerprinting resources other than the DSHS electronic fingerprinting contracted vendor are only to be used when no other option is available. Circumstances that may justify non-electronic fingerprinting include, but are not limited to:
  - a. Extreme weather conditions;
  - b. Health issues;
  - c. A commute of greater than 50 miles; or
  - d. A long delay for scheduling an appointment with the electronic fingerprint vendor.



2. Alternative fingerprinting resources are limited to a local law enforcement agency or a qualified person trained by the Washington State Patrol to roll fingerprints.
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 or service provider 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.

E. **Provisional Hires**

1. Service providers may allow a person to work unsupervised for 120 days when a fingerprint background check is pending. This is considered a provisional hire. The following conditions must be met:
  - a. The applicant or service provider is not disqualified based on the initial result of the state background check from DSHS; and
  - b. A CCS has been done for any non-disqualifying crimes or negative actions revealed by the initial result.
2. Service providers making a provisional hire must ensure electronic fingerprints have been submitted before the provisional hire by retaining a copy of the fingerprint receipt from the applicant.
3. For individual providers, ensure the client or their legal representative completes [DSHS 11-055](#), *Acknowledgement of My Responsibilities as the Employer of My Individual Providers* form on an annual basis. The CRM or Social Worker must

document the client or their 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;
  - 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 complete a written Character, Competence, and Suitability review of the applicant to determine whether or not it would be appropriate to hire the applicant;
  - 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. If an existing employee receives this letter the service provider must ensure that they are immediately restricted from having unsupervised access to DDA clients. For employees hired prior to July 24, 2014, refer to [WAC 388-113-0040](#) for exceptions that may apply; or
  - d. ***“Additional Information Required”*** This letter indicates that more information is needed in order for the background check to be completed. The background check status is considered pending until additional information is received by the BCCU and a final result letter is returned to the requestor. You may receive this letter in response to a:
    - 1) **Result of initial or interim background check:** Background check is not considered complete and applicant must not have unsupervised access to clients.
    - 2) **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 120<sup>th</sup> day.
    - 3) **Result of renewal:** Applicant must submit the needed information to BCCU and resolution must be reached within 30 days.

2. Requestors must maintain a copy of the results letters and attachments according to retention requirements.
3. Requestors must provide a copy of the background letter and attachments to the applicant.
4. Fingerprint results for nongovernmental agencies do not include FBI RAP sheets. To obtain this information, the applicant must request 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 his or her background check reveals a crime or negative action on the list of disqualifying crimes and negative actions in [Chapter 388-113 WAC](#).
2. Individuals employed by Community Residential Service Providers (including administrators, owner-administrators, volunteers, and all staff) who receive a DSHS background check with disqualifying results must not have unsupervised access to DDA clients or provide Instruction and Support Services.
3. 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.
4. For employees hired prior to July 24, 2014, refer to [WAC 388-113-0040](#) for exceptions that may apply.

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

1. When a background check result letter from BCCU indicates that an applicant's character, competence, and suitability (CCS) must be reviewed, the following information must be considered ([WAC 388-825-650](#)):
  - 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 the source on the result letter indicates fingerprint check);
  - g. Applicant's behavior since the conviction; and
  - h. The vulnerability of those that would be under the applicant's care.
2. Under Chapter 388-825 WAC, the CCS review must also be conducted when an applicant has pending charges and negative actions that are not automatically disqualifying.
  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. A CCS template can be found on the [DDA Residential Provider Resources](#) page.

I. **Applicant Self-Disclosure**

The [DSHS 09-653](#), *Background Check Authorization* form requires the applicant to disclose their criminal background, licensing, and abuse and neglect information under penalty of perjury. If an applicant self-discloses a disqualifying crime, the employment process may end before verifying the disclosure.

J. **Correcting Flawed Background Check Information**

1. If an applicant reports that the conviction record is incorrect, direct the applicant to contact the reporting agency to have the conviction record corrected, and to contact BCCU to report the error.
2. If an applicant reports that 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 conducting background checks. The process for obtaining a new BCCU account is as follows:

1. Provide the DDA Background Check Program Manager with the provider's:
  - a. Business name;
  - b. Contact person for background checks;
  - c. Phone number;
  - d. Secure or confidential fax number;
  - e. Mailing address; and
  - f. Physical address.
2. DDA Central Office staff will request an account number from the BCCU.
3. DDA Central Office staff will email the BCCU account number to the requestor with instructions for managing background check authorizations.
4. If changes are needed to an existing account:
  - a. The provider 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 14 working days, except for FBI inquiries which may take six 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**

DDA Policy 5.01  
Issued July 1, 2015

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

Date: July 1, 2017