

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1490**

69th Legislature  
2025 Regular Session

Passed by the House March 6, 2025  
Yeas 97 Nays 0

---

**Speaker of the House of  
Representatives**

Passed by the Senate April 7, 2025  
Yeas 48 Nays 0

---

**President of the Senate**

Approved

---

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1490** as passed by the House of Representatives and the Senate on the dates hereon set forth.

---

**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

---

**SUBSTITUTE HOUSE BILL 1490**

---

Passed Legislature - 2025 Regular Session

**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** House Early Learning & Human Services (originally sponsored by Representatives Obras, Gregerson, Peterson, and Cortes; by request of Department of Social and Health Services)

READ FIRST TIME 02/18/25.

1       AN ACT Relating to fingerprint-based background checks; and  
2       reenacting and amending RCW 43.43.837.

3       BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4       **Sec. 1.** RCW 43.43.837 and 2023 c 437 s 1 and 2023 c 223 s 3 are  
5       each reenacted and amended to read as follows:

6       (1) In order to determine ((the)) an applicant's or service  
7       provider's character, competence, and suitability ((of any applicant

8       or service provider to have unsupervised access to vulnerable adults,

9       children, or juveniles, the secretary of the department of social and

10       health services shall require the applicant or service provider to

11       submit fingerprints for the purpose of investigating conviction

12       records through both the Washington state patrol and the federal

13       bureau of investigation when the applicant or service provider)) for

14       working unsupervised as a department of social and health services or

15       department of children, youth, and families long-term care worker,

16       direct care worker, child placement provider, high-risk provider,

17       residential habilitation center worker, transitional care facility

18       worker, or a contracted home and community-based service provider,

19       applicants and service providers described in subsections (2) and (4)

20       of this section shall submit their fingerprints to the Washington

21       state patrol for forwarding to the federal bureau of investigation

1 for a national background check, as shall individuals 16 years of age  
2 or older living in the home of a companion home provider as  
3 identified in subsection (2)(c) of this section, and individuals 16  
4 years of age or older living in the home of a child placement  
5 provider as identified in subsection (4)(b) of this section.

6 (2) The department of social and health services shall require a  
7 person to submit fingerprints for the purpose of investigating  
8 conviction records through both the Washington state patrol and the  
9 federal bureau of investigation when the person:

10 (a) ~~((Has resided in the state less than three consecutive years~~  
11 ~~before application and:~~

12 ~~(i))~~ Is an applicant or service provider who has resided in the  
13 state less than three consecutive years before application and:

14 (i) Is a contractor providing services funded by ~~((either))~~ home  
15 and community long-term care programs, established pursuant to  
16 chapters 71A.12, 74.09, 74.39, and 74.39A RCW, administered by the  
17 department of social and health services; or

18 ~~(ii) ~~((Is an individual who is authorized by the department of~~~~  
19 ~~social and health services to provide services to people with~~  
20 ~~developmental disabilities under RCW 74.15.030; or~~

21 ~~(iii))~~ Is applying for employment or is already employed by an  
22 area agency on aging or federally recognized Indian tribe, or is an  
23 employee of a contractor of an area agency on aging or federally  
24 recognized Indian tribe, that will, or may, have unsupervised access  
25 to vulnerable adults, children, or juveniles when engaging in the  
26 activities described in RCW 74.09.520(5);

27 (b) Is an applicant or service provider who:

28 ~~((b))~~ (i) Is applying for employment or is already employed at  
29 any secure facility operated by the department of social and health  
30 services under chapter 71.09 RCW;

31 ~~((e))~~ (ii) Is applying to be an adult family home licensee,  
32 entity representative, or resident manager under chapter 70.128 RCW;

33 ~~((d))~~ (iii) Is applying to be an assisted living facility  
34 licensee or administrator under chapter 18.20 RCW. For the purposes  
35 of this subsection (2)(b)(iii), "administrator" means an assisted  
36 living facility administrator who is in active administrative charge  
37 of the assisted living facility as required in this chapter, and  
38 unless exempt under RCW 18.88B.041, must complete long-term care  
39 worker training and home care aide certification;

1       ~~((e))~~ (iv) Is applying to be an enhanced services facility  
2 licensee or administrator under chapter 70.97 RCW. For the purposes  
3 of this subsection (2)(b)(iv), "administrator" means an enhanced  
4 services facility administrator who is in active administrative  
5 charge of the enhanced services facility as required in this chapter,  
6 and unless exempt under RCW 18.88B.041, must complete long-term care  
7 worker training and home care aide certification;

8       ~~((f))~~ (v) Is applying to be a certified community residential  
9 ~~((services and supports provider))~~ service provider or administrator  
10 under chapter 71A.12 RCW. For the purposes of this subsection  
11 (2)(b)(v), "administrator" means an individual who is responsible for  
12 or has control over daily operations of a certified community  
13 residential service provider, who may or will have unsupervised  
14 access to vulnerable adults in a certified community residential  
15 service setting, whether or not they provide direct care to  
16 vulnerable adults. An individual who is responsible for or has  
17 control over daily operations of a certified community residential  
18 service provider includes any person who:

19       (A) Oversees aspects of staffing, such as recruitment, staff  
20 training, or performance reviews;

21       (B) Develops and maintains policies and procedures that give  
22 staff direction to provide appropriate services and supports under  
23 chapter 71A.12 RCW; or

24       (C) Maintains and securely stores client, personnel, or financial  
25 records;

26       ~~((g))~~ (vi) Has been categorized as a high-risk provider as  
27 defined in subsection ~~((h))~~ (9)(f) of this section; ~~((or~~

28       ~~(h))~~ (vii) Is applying for employment ~~((or is already employed~~  
29 ~~at any))~~ by a residential habilitation center ~~((or other state-~~  
30 ~~operated program for individuals with developmental disabilities~~  
31 ~~under chapter 71A.20 RCW))~~ under chapter 71A.20 RCW or is applying  
32 for a job class series change at a residential habilitation center;  
33 or

34       (viii) Is applying for employment by a transitional care  
35 facility; or

36       (c) Is an individual 16 years of age or older and resides in a  
37 certified community residential companion home authorized by the  
38 developmental disabilities administration to provide services to  
39 individuals with developmental disabilities under chapter 71A.12 RCW.

1       ~~((2))~~ (3) Long-term care workers, as defined in RCW 74.39A.009,  
2 who are hired after January 7, 2012, are subject to fingerprint-based  
3 background checks under RCW 74.39A.056.

4       ~~((3))~~ (4) In order to determine the character, competence, and  
5 suitability of ~~((an applicant or service provider))~~ a person to have  
6 unsupervised access to children or juveniles, the secretary of the  
7 department of children, youth, and families shall require the  
8 ~~((applicant or service provider))~~ person to submit fingerprints for  
9 the purpose of investigating conviction records through both the  
10 Washington state patrol and the federal bureau of investigation when  
11 ~~((the))~~ :

12       (a) The person is an applicant or service provider who:

13       ~~((a))~~ (i) Is applying for a license under RCW 74.15.030 or is  
14 an adult living in a home where a child is placed;

15       ~~((b))~~ (ii) Is applying for employment or already employed at a  
16 group care facility, regardless of whether the applicant is working  
17 directly with children;

18       ~~((c))~~ (iii) Is newly applying for an agency license, is newly  
19 licensed, is an employee of an agency that is newly licensed, or will  
20 newly have unsupervised access to children in child care, pursuant to  
21 RCW 43.216.270; or

22       ~~((d))~~ (iv) Has resided in the state less than three consecutive  
23 years before application; and:

24       ~~((i))~~ (A) Is applying for employment, promotion, reallocation,  
25 or transfer to a position the department of children, youth, and  
26 families has identified as one that will, or may, require the  
27 applicant to have unsupervised access to children or juveniles  
28 because of the nature of the work; or

29       ~~((ii))~~ (B) Is a business or individual contracted to provide  
30 services to children or people with developmental disabilities under  
31 RCW 74.15.030; or

32       ~~((iii) Is))~~ (b) The person has resided in the state less than  
33 three consecutive years, is an individual 16 years of age or older  
34 ~~((who))~~ and: ~~((A))~~ (i) Is not under the placement and care  
35 authority of the department of children, youth, and families; and  
36 ~~((B))~~ (ii) resides in an applicant or service provider's home,  
37 facility, entity, agency, or business or who is authorized by the  
38 department of children, youth, and families to provide services to  
39 children under RCW 74.15.030.

1        ~~((4))~~ (5) The secretary of the department of children, youth,  
2 and families shall require a fingerprint-based background check  
3 through the Washington state patrol identification and criminal  
4 history section and the federal bureau of investigation when the  
5 department seeks to approve an applicant or service provider for a  
6 foster or adoptive placement of children in accordance with federal  
7 and state law. Fees charged by the Washington state patrol and the  
8 federal bureau of investigation for fingerprint-based background  
9 checks shall be paid by the department of children, youth, and  
10 families for foster care and childcare applicants and service  
11 providers.

12        ~~((5))~~ (6) Applicants and service providers of the department of  
13 social and health services, except for long-term care workers subject  
14 to RCW 74.39A.056, who are required to complete a fingerprint-based  
15 background check may be hired for a ~~((one hundred twenty day))~~ 120-  
16 day provisional period as allowed under law or program rules when:

17        (a) A fingerprint-based background check is pending; and

18        (b) The applicant or service provider is not disqualified based  
19 on the immediate result of the background check.

20        ~~((6))~~ (7) Fees charged by the Washington state patrol and the  
21 federal bureau of investigation for fingerprint-based background  
22 checks shall be paid by the applicable department for applicants or  
23 service providers providing:

24        (a) Services to people with a developmental disability under RCW  
25 74.15.030;

26        (b) In-home services funded by medicaid personal care under RCW  
27 74.09.520;

28        (c) Community options program entry system waiver services under  
29 RCW 74.39A.030;

30        (d) Chore services under RCW 74.39A.110;

31        (e) Services under ~~((other))~~ home and community long-term care  
32 programs, established pursuant to chapters 74.39 and 74.39A RCW,  
33 administered by the department of social and health services or the  
34 department of children, youth, and families; and

35        (f) Services in, or to residents of, a secure facility under RCW  
36 71.09.115.

37        ~~((7))~~ (8) The department of social and health services and the  
38 department of children, youth, and families shall develop rules  
39 identifying the financial responsibility of service providers,  
40 applicants, and the respective department for paying the fees charged

1 by law enforcement to roll, print, or scan fingerprints-based for the  
2 purpose of a Washington state patrol or federal bureau of  
3 investigation fingerprint-based background check.

4 ~~((8))~~ (9) For purposes of this section, unless the context  
5 plainly indicates otherwise:

6 (a) "Applicant" means a current or prospective department of  
7 social and health services, department of children, youth, and  
8 families, or service provider employee, volunteer, student, intern,  
9 researcher, contractor, or any ~~((other))~~ individual specified in  
10 subsection ~~((1)(a) through (g))~~ (2) or ~~((3)(a) through (d))~~ (4)  
11 of this section who will or may have unsupervised access to  
12 vulnerable adults, children, or juveniles because of the nature of  
13 the work or services he or she provides. "Applicant" includes any  
14 individual who will or may have unsupervised access to vulnerable  
15 adults, children, or juveniles and is:

16 (i) Applying for a license or certification from the department  
17 of social and health services or the department of children, youth,  
18 and families;

19 (ii) Seeking a contract with the department of social and health  
20 services, the department of children, youth, and families, or a  
21 service provider;

22 (iii) Applying for employment, promotion, reallocation, or  
23 transfer; or

24 (iv) An individual that a department of social and health  
25 services or department of children, youth, and families client or  
26 guardian of a department of social and health services or department  
27 of children, youth, and families client chooses to hire or engage to  
28 provide services to himself or herself or another vulnerable adult,  
29 juvenile, or child and who might be eligible to receive payment from  
30 the department of social and health services or the department of  
31 children, youth, and families for services rendered.

32 (b) "Area agency on aging" means an agency that is designated by  
33 the state to address the needs and concerns of older persons at the  
34 regional and local levels and is responsible for a particular  
35 geographic area that is a tribal reservation, a single county, or a  
36 multicounty planning area. Area agencies on aging have governance  
37 based on the corresponding county, city, tribal government, or  
38 council of governments.

1 (c) "Authorized" means the department of social and health  
2 services or the department of children, youth, and families grants an  
3 applicant, home, or facility permission to:

4 (i) Conduct licensing, certification, or contracting activities;

5 (ii) Have unsupervised access to vulnerable adults, juveniles,  
6 and children;

7 (iii) Receive payments from a department of social and health  
8 services or department of children, youth, and families program; or

9 (iv) Work or serve in a department of social and health services  
10 or department of children, youth, and families employment position.

11 (d) "Community residential services and supports provider" means  
12 a person or entity certified by the department of social and health  
13 services to deliver one or more of the services described in RCW  
14 71A.12.040 to a person with a developmental disability, as defined in  
15 RCW 71A.10.020, who is eligible to receive services from the  
16 department of social and health services.

17 (e) "Entity representative" means the individual designated by an  
18 entity provider or entity applicant who:

19 (i) Is the representative of the entity for the purposes of  
20 fulfilling ~~((the))~~ training and qualification requirements ~~((of the~~  
21 ~~state))~~ that only an individual can fulfill and an entity cannot;

22 (ii) Is responsible for overseeing the operation of the home; and

23 (iii) Does not hold the license on behalf of the entity.

24 (f) "High-risk provider" means a service provider that has been  
25 designated by the state medicaid agency as posing an increased  
26 financial risk of fraud, waste, or abuse to the medicaid program. A  
27 "high-risk provider" additionally includes any person who has a five  
28 percent or more direct or indirect ownership interest in such a  
29 provider.

30 (g) "Long-term care workers" include all persons who provide  
31 paid, hands-on, personal care services for the elderly or persons  
32 with disabilities, including but not limited to individual providers  
33 of home care services; direct care workers employed by home care  
34 agencies or a consumer directed employer; providers of home care  
35 services to persons with developmental disabilities under Title 71A  
36 RCW; all direct care workers in state-licensed assisted living  
37 facilities, enhanced services facilities, and adult family homes;  
38 respite care providers; direct care workers employed by community  
39 residential service businesses; and any other direct care worker



1 providing home or community-based services to the elderly or persons  
2 with functional disabilities or developmental disabilities.

3 (h) "Service provider" means entities, facilities, agencies,  
4 businesses, or individuals who are licensed, certified, authorized,  
5 or regulated by, receive payment from, or have contracts or  
6 agreements with the department of social and health services or the  
7 department of children, youth, and families to provide services to  
8 vulnerable adults, juveniles, or children. "Service provider"  
9 includes individuals whom a department of social and health services  
10 or department of children, youth, and families client or guardian of  
11 a department of social and health services or department of children,  
12 youth, and families client may choose to hire or engage to provide  
13 services to himself or herself or another vulnerable adult, juvenile,  
14 or child and who might be eligible to receive payment from the  
15 department of social and health services or the department of  
16 children, youth, and families for services rendered.

17 (i) "Transitional care facility" means a staff secure and  
18 voluntary state-operated residential treatment facility offering  
19 specialized treatment and habilitative interventions for eligible  
20 youth with developmental disabilities.

21 (j) "Unsupervised" means not in the presence of:

22 (i) Another employee or volunteer from the same business or  
23 organization as the applicant; or

24 (ii) Any relative or guardian of any of the children or persons  
25 with developmental disabilities or vulnerable adults to which the  
26 applicant has access while they are employed or involved with the  
27 business or organization.

--- END ---