

Background check disqualifier changes

Dear Provider/Administrator:

This letter is to inform you of changes in law related to background checks as they relate to the list of automatically disqualifying crimes in WAC 388-113-0020.

Substitute House Bill 1411 was passed during the 2021 legislative session. The purpose of the bill is to increase the Long-Term Care workforce by decreasing employment barriers related to an applicant's criminal history. The bill added time limitations to six crimes in WAC 388-113-0020 that were previously permanently disqualifying and removed LTC workers and other service providers from the exempted individuals under RCW 9.97.020 related to Certificate of Restoration of Opportunity.

The previously disqualifying crimes that now have time limitations are:

- Selling marijuana (Three years)
- Theft 1 (ten years)
- Robbery 2 (five years)
- Extortion 2 (five years)
- Assault 2 (five years)
- Assault 3 (five years)

Applicants who would have received a disqualifying result notification from the Background Check Central Unit will now receive a Review Required letter when:

- The required amount of time has passed.
- They have no other disqualifying conviction, pending charge or negative action.
- The applicant has obtained a Certificate of Restoration of Opportunity from the courts.

This does not apply to Department of Social Health Service's employees or applicants for department positions except for positions in the state operated community residential programs.

If you have any questions, please contact Heather Lum, Background Check Program Manager, at (360) 407-1526 or heather.lum@dshs.wa.gov.

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