STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Home and Community Living Administration
P.O. Box 45600 • Olympia, Washington 98504

January 12, 2026

HCLA: ALF #2026-001
HCLA: ESF #2026-001

CLARIFYING CHECK REQUIREMENTS IN ASSISTED LIVING AND ENHANCED SERVICES FACILITIES

Dear Assisted Living or Enhanced Services Facility Administrators:

This letter supersedes HCLA: ALF #2025-044 and HCLA: ESF #2025-031.

The department has received several questions regarding *who* and *what type* of background checks are required in Assisted Living Facilities (ALF) and Enhanced Services Facilities (ESF).

The previously issued MB #R25-101 and associated Dear Provider Letters, HCLA: ALF #2025-044 and HCLA: ESF #2025-031, included information that was confusing. This letter clarifies and reiterates the current background check requirements for ALF and ESF staff, as well as owners, operators and licensees of the facility. *The process and requirements have not changed*.

Facility Staff Background Requirements

- Background check requirements for **ALFs** are located in WACs 388-78A-2461 through 388-78A-2471.
- Background check requirements for **ESFs** are located in WACs 388-107-1205 through 388-107-1310.
- Washington state name and date of birth (WNDOB) background checks are valid for 2 years from the initial background check.
- National fingerprint checks conducted after January 7, 2012, are valid for an indefinite period of time.
- Background checks during licensure, and what WACs apply:
  - **ESF** see WAC 388-107-1210;
  - **ALF** see WAC 388-78A-2462.
- The facility must ensure (at a minimum) that:
  - The administrator, nurse(s), and all caregivers employed directly or by contract (after January 7, 2012), must have both the WNDOB and national fingerprint checks.
  - Volunteers who are not residents, students who may have unsupervised access to residents, staff persons who are not caregivers or administrators, managers who do not provide direct care to residents, and contractors other than the administrator, nurse(s), and caregivers who

may have unsupervised access to residents only require a **WNDOB background check**. Examples of these staff persons can include dietary, maintenance, housekeeping and drivers. National fingerprint checks on staff in these categories are not required.

- **For provisional hires**, refer to WAC 388-107-1270 (ESF) and WAC 388-78A-24681 (ALF).
  - The requirements state that the facility may provisionally employ an administrator, nurse, or caregiver (hired after January 7, 2012) for 120 days and allow these individuals to have unsupervised access to residents when:
    - The administrator, nurse, or caregiver is not disqualified based on the results of the WNDOB background check; and
    - The results of the national fingerprint background check are pending. **Pending* means: A fingerprint appointment has been scheduled (per WAC 388-113-0109).

- **Please Note:** The statement made in the previous letter, "*Individuals who have not resided in Washington for three consecutive or continuous years or for those who reside outside of the state but work in Washington are required to undergo national fingerprint-based background checks*", is **NOT** a requirement for ALF or ESF.

Owners, Operators and Licensees

- The Health Care Authority (HCA), the Medicaid agency for Washington State, who also funds and provides services to ALFs and ESFs, "high risk" entities per 42 CFR §455.434. These high risk facilities require individuals who maintain a 5 percent (5%) or greater direct or indirect ownership interest in the provider (for ALFs or ESFs) to submit fingerprints to a national fingerprint-based background check system, such as the Federal Bureau of Investigation's Integrated Automated Fingerprint Identification System.
- An exception to this fingerprint rule is for the applicant and/or licensee of the ALF or ESF in the license application. The application includes a section (page 7), titled, "Agreement Not to Have Unsupervised Access," that can be completed when the applicant and/or licensee can guarantee that they will not have unsupervised access to residents, resident's financial records, resident funds and/or resident medical records.

For questions related to the national fingerprint-based background checks, please contact RCS Policy Unit at RCSPolicy@dshs.wa.gov.

Sincerely,

Amy Abbott, Director
Residential Care Services

DSHS: *"Partnering with People"*

References: 42 CFR 455.434 | RCW 74.39A.056 | Assisted Living Facility License Application | Enhanced Services Facility Application