



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Home and Community Living Administration
PO Box 45600, Olympia, Washington 98504-5600

May 23, 2025

HCLA: AFH #2025-017
HCLA: ALF #2025-014
HCLA: ESF #2025-011
HCLA: NH #2025-018

CR-101 FILED TO UPDATE BACKGROUND CHECK REQUIREMENTS

Dear Provider/Administrator:

RCS has removed information from this letter regarding upcoming interested parties meetings, which have been temporarily postponed.

During the 2025 legislative session, Washington state's legislature signed several bills into law which focus on improving the background check process in Washington. As a result, Residential Care Services (RCS) is considering rulemaking to align with the process requirements for fingerprint-based background checks under the National Crime Prevention and Privacy Compact, integrate streamlined background check requirements for home care agency providers, update definitions, and provide clarity on background checks for rehired employees. RCS plans to amend Adult Family Home (AFH), Assisted Living Facility (ALF), Enhanced Services Facility (ESF), and Nursing Home (NH) Washington Administrative Codes (WACs) to comply with state law.

2025 Passed Legislation Requiring Rule Making

1. Engrossed Substitute House Bill (ESHB) 1385 is focused on implementing the National Crime Prevention and Privacy Compact executed by the Washington State Patrol (WSP). The change requires RCS regulated facilities to comply with process requirements to access background check information, including:

- An individual's right to receive results within a specified timeframe, and appeal results to challenge their accuracy or completeness;
- Advising an individual on the procedures for obtaining a change/correction/updating the federal criminal history record under [28 C.F.R Sec. 16.34](#);
- Informing the individual that the results were handled in a way that protects their privacy; and
- Maintaining a signed waiver for each individual.

2. ESHB 1395 streamlines the home-care worker background check process for home care agency providers, which operate in AFH, ALF, and NH settings.

- Provides instances that do not require character, competence, and suitability (CC&S) reviews for home-care agency providers;
- Specifies that under certain circumstances, home-care agency providers are allowed to have unsupervised access to vulnerable adults for up to 30 days while a CC&S review is conducted; and

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- Limits the circumstances under which a fingerprint-based background check is conducted for home-care agency providers.

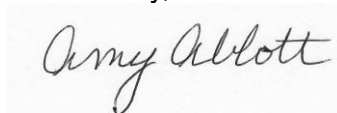
3. **Substitute House Bill (SHB) 1490** adds definitions outlining the current roles and circumstances that require a fingerprint-based background check under RCW 43.43.837. SHB 1490 has minimal impact on RCS regulated facilities and RCS will solely be updating program definitions to align with SHB 1490.

These changes are needed to protect public health, safety, and welfare and are beneficial to or requested or supported by the regulated entities, local governments or small businesses that it affects.

The department filed a CR-101 with the Office of the Code Reviser on May 15, 2025, to begin the rulemaking process. The notice will be published in the Washington State Register (WSR) under [WSR 25-11-052](#). This CR-101 and related rulemaking information will be available on the Residential Care Services rulemaking webpage <https://www.dshs.wa.gov/altsa/rcs/altsa-rcs-rulemaking> as the rulemaking progresses.

For rulemaking questions, please contact Amy Grimsley or Lindsey Lozoskie at rcspolicy@dshs.wa.gov.

Sincerely,

A handwritten signature in black ink that reads "Amy Abbott". The signature is written in a cursive, flowing style.

Amy Abbott, Director
Residential Care Services

DSHS: *"Partnering with People"*