



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: NH #2026-001

CLARIFYING BACKGROUND CHECK REQUIREMENTS IN NURSING HOMES, SKILLED NURSING FACILITIES, AND NURSING FACILITIES

Dear Nursing Home Administrators:

This letter supersedes HCLA: NH #2025-052.

The department has received several questions regarding who and what kind of background checks, including fingerprint checks, are required in Nursing Homes (NH), Skilled Nursing Facilities (SNF), or Nursing Facilities (NF).

In addition, the previously issued Dear Provider Letter, HCLA: NH #2025-052, included information that was confusing. The intent of this letter is to clarify and reiterate the current background check requirements for facility staff and owners/operators of the NH, SNF, and NF. *The process and requirements have not changed.*

Facility Staff Background Check Requirements

- Requirements for background checks on staff are located in [WAC 388-97-1790](#), [WAC 388-97-1800](#), and [WAC 388-97-1820](#).
- All nursing home staff (employed directly or by contract, or any individual accepted as a volunteer or student) that may have unsupervised access to residents are required to pass one of the following background checks:
 - The department; **This is the [Background Check Central Unit \(BCCU\)](#)*
 - The most recent employer licensed under chapters [18.51](#) (NH), [18.20](#) (ALF), and [70.128](#) (AFH) RCW provided that termination of that employment was within 12 months of the current employment application and provided the inquiry was completed by the department or the Washington state patrol within the two years of the current date of application; or
 - A nurse pool agency licensed under chapter [18.52C RCW](#), provided the background inquiry was completed by the [Washington State Patrol \(WSP\)](#) within two years before the current date of employment in the nursing home.
 - The NH may not rely on a criminal background inquiry from a former employer, including nursing pool, if the NH has reason to believe the individual is disqualified under requirements of [WAC 388-97-1820](#).
 - Repeat the background check every 2 years per [WAC 388-97-1800](#).
- **Please note:** The statement made on 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 NH/SNF/NF.

When fingerprint checks are required:

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- **Owners, operators, and licensees** of NH, SNFs, and NFs are required to submit fingerprints to conduct fingerprint-based criminal history record checks because:
 - CMS and the Medicare Administrative Contractor (MAC) require it for disclosure of information during initial enrollment, revalidation, change of ownership (CHOW), change of information (CHOI) in new section [1124\(c\) of the Social Security Act](#). The MAC sends the letter to the facility and facility is required to follow the instructions from the MAC.
 - The federal government deemed SNFs as “high-risk” entities under [42 CFR §424.518\(c\)](#), requiring a submission of fingerprints to conduct fingerprint-based criminal history record checks on all *individuals who maintain a 5 percent or greater direct or indirect ownership interest in the provider*. Also refer to [MB R23-042](#).
 - The State Medicaid Agency has deemed NFs as “high risk” entities under [42 CFR §455.434](#), also requiring a submission of fingerprints to all individuals who *maintain a 5 percent or greater direct or indirect ownership interest in the provider or supplier*.

Fingerprint Submission Exception:

- **Facility License Application:** The Nursing Home Facility license application (page 7) has an agreement allows applicants and/or licensees of nursing homes, who will have *no unsupervised* contact with residents to complete and sign the [Agreement Not to Have Unsupervised Access form](#).

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](#)

[42 CFR §424.518\(c\)](#),

[Nursing Home Facility License Application](#)

Chapters [388-97-1790](#), [388-97-1800](#), and [388-97-1820 WAC](#)

[Dear Provider Letter: NH #2023-019](#)

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