

Developmental Disabilities Administration Frequently Asked Questions Background Checks for Residential Providers

Q: Who needs to undergo a background check?

A: Service provider employees, administrators, owner-administrators, subcontractors, volunteers, and any other employee who may have unsupervised access to a Developmental Disabilities Administration (DDA) client must have a background check. This includes clients who the provider employs.

Q: What type of background check is needed?

A: A fingerprint-based background check is required for all:

- Long-term care workers – new hires after January 1, 2016
- Individuals who have resided fewer than three continuous years in Washington state
- Individuals who reside out of state and work in Washington state

A Washington state name/date of birth (DOB) background check:

- All others

Q: Can an individual work unsupervised while waiting for the results of their initial, Washington state name/date of birth background check?

A: No. The individual can only work supervised. The service provider must develop and maintain a detailed supervision plan, including who will provide the supervision and how breaks will be managed.

Q: Can an individual work unsupervised while waiting for the results of their fingerprint-based background check?

A: An individual can work unsupervised for 120 days if:

- Their Washington state name/date of birth background check has come back from the Background Check Central Unit (BCCU) as non-disqualifying, and
- Their fingerprints have been submitted for processing and
- They have provided the employer with a receipt

Q: How often do background checks need to be renewed?

A: Background check renewals need to be completed every three years except for assisted living facilities, group homes, and adult family homes, which require renewals every two years. Renewals typically take longer to process, and sufficient processing time should be allotted. Set up a system to ensure time for the result to be received and reviewed prior to expiration (recommendation is several months).

Q: Can agencies conduct renewals more frequently?

A: Agencies can conduct renewal background checks earlier if there are concerns, but should not be checking individuals routinely more than a few months early.

Q: What type of background check is needed at renewal?

A: Renewals are typically only a Washington state name/date of birth check unless the employee lives out of state or has not continuously resided in Washington the previous three years. In that case a fingerprint check is needed.

Q: Can an individual continue to work if their background check has expired and their renewal results have not yet been received?

A: They can only work supervised, as they are no longer considered having a cleared background check.

Q: What if an individual has new charges or negative actions before their background check is due?

A: It is the expectation that employees self-disclose any pending or new criminal charges to their employer that occur between regularly scheduled background checks. The agency should have this information in their personnel policies and train staff.

Q: What do we do if we receive a background check result from the BCCU that says 'Review Required'?

A: Complete a Character, Competence, and Suitability (CCS) Review. This is a screening and assessment the employer conducts on a current or potential employee to determine if they should have unsupervised access to individuals with developmental disabilities. Include in your review:

- 1) The amount of time that has passed since the individual was convicted or was subject to a negative action;
- 2) The seriousness of the action that led to the finding;
- 3) The number and types of other convictions in their background;
- 4) Their age at the time of conviction;
- 5) Documentation indicating they have successfully completed all court-ordered programs and restitution;
- 6) Review of Federal Bureau of Investigation (FBI) Records of Arrests and Prosecution (RAP) sheets (if fingerprint check is listed under source – must ask applicant to obtain from BCCU)
- 7) Their behavior since the conviction; and
- 8) The vulnerability of those that would be under their care.

This information should be compiled and documented. A sample template can be found on the [DDA Residential Provider Resources Page](#). Your agency can also use other formats, as long as the factors and decisions are documented, signed by the reviewer, and dated. The review does

not need to be returned to the BCCU or DDA. The agency must retain this document for certification evaluation.

Q: Do certain documents need to be examined during the Character, Competence, and Suitability (CCS) Review?

- A:** Yes. The documents reviewed depend on what is listed under 'Source,' which is typically on the second page of the result letter from BCCU. Make sure to include this information in your review documentation. Failure to do so may result in a Residential Care Services citation.
- Applicant Self-Disclosure – You must review the applicant's self-disclosures. Best practice is to have the applicant/employee write a statement regarding the disclosures.
- Federal Bureau of Investigation (FBI) – BCCU cannot mail FBI RAP sheets to non-governmental agencies. You must have the applicant/employee submit a request to BCCU for a copy of their FBI RAP sheet, then provide it to you.
- Department of Health (DOH) – You must visit the DOH website, look up the applicant/employee's credential, and review any enforcement actions.
- Washington State Courts and other state court systems – You must review the court records provided by BCCU.
- Washington State Patrol (WSP) – You must review the RAP sheet provided by BCCU.

Q: Can an individual work unsupervised prior to completion of their Character, Competence, and Suitability (CCS) Review?

- A:** No. The review should be completed prior to the individual having unsupervised access to individuals with developmental disabilities.

Q: Do we need to conduct a new Character, Competence, and Suitability (CCS) Review after both a Washington state name/DOB background check and a fingerprint check?

- A:** Yes. A new CCS Review needs to be conducted after each result letter that indicates Review Required. You must review all information (Source, RAP sheet, disclosures, etc.) to see if there is new information. If any new information is presented, obtain the new documents (if applicable), and complete a new CCS. If no changes are included at all, reference the CCS review on file, sign it, and write the current date.

Q: Do we need to conduct a new Character, Competence, and Suitability Review (CCS) at each background check renewal?

- A:** A new CCS Review only needs to be completed again if there is a change in information (RAP sheet, disclosure, etc.). You must review all information provided and if no changes are present at all, reference the CCS review on file, sign it, and write the current date. If any new or different information is presented, or new concerns, a new CCS review must be conducted.

Q: Can we conduct a Character, Competence, and Suitability Review for an individual who has a disqualifying background check?

- A:** No. Individuals employed by Community Residential Service Providers (including owners, administrators, owner-administrators, volunteers, and all staff) who receive a DSHS background check with disqualifying results must not have any unsupervised access to DDA clients or provide Instruction and Support Services.
- Q:** **What do we do if we receive an “Additional Information Needed” letter from the BCCU?**
- A:** Result of Name/DOB check: Applicant cannot work with clients until they provide more information to BCCU.
Result of fingerprint check: Applicant can work through a provisional hire, but must submit the needed information to BCCU and resolution must be reached by the 120th day.
Result of renewal: Applicant must submit the needed information to BCCU and resolution must be reached within 30 days. Renewal/recheck timeframes must still be met.
- Q:** **Is it true that supported living agencies are being asked to reimburse the state for audit findings?**
- A:** Agencies cannot claim Instruction & Support Services (ISS) hours for staff who do not meet background check requirements.
DDA may issue an overpayment notice for staff who work or have worked in an unsupervised capacity with clients under the following conditions:
- Following the BCCU issuing a disqualifying background check result letter;
 - Following the BCCU issuing a Record Result without evidence that the agency completed a Character, Competence, and Suitability Review for the crime(s) or condition; or
 - Having an expired background check (older than three years old)
- Q:** **How do we ensure that we remain in compliance with background check rules?**
- A:** New Hires: Track fingerprint and provisional hire dates. Do not allow someone to go over the 120-day provisional hire limit. If they do, they may not have unsupervised access to clients.
Character, Competence, & Suitability Reviews: Ensure staff do not work unsupervised if they have a Record Result from the BCCU until they have a complete, signed and dated CCS review.
Disqualifying Results: Ensure staff with disqualifying results do not have any unsupervised access to DDA clients or provide Instruction and Support Services.
Renewals: Ensure your agency has a system in place to track renewals. Start the renewal process 2-3 months early to account for any issues that may come up.
Discrepancies: Ensure the names and dates of birth on the background check application are correct and matches with the person’s government-issued identification. If a discrepancy with the name or birth date on the background check results, contact BCCU immediately to get it corrected. If staff have any name changes during their employment, run a new check.
Documentation: Keep copies of anything background-check related in a staff/applicant’s file or otherwise make accessible for audit. Make sure you have proof if they were working supervised pending the result of a check.

Q: Do any exceptions exist to the automatic disqualifying crimes?

A: Yes. [WAC 388-113-0040](#) allows for exceptions for Assault 3, Simple Possession and Manufacturing/Deliver/Intent to Deliver a Controlled Substance crimes, under certain conditions:

- The conviction date for the crimes must be before July 25, 2014;
- The individual has to continue to work for the same employer; and
- The employer or hiring entity must:
 - Review the individual's character, competence and suitability; and
 - Have documentation on file demonstrating the results of the CC&S
 - Have documentation on file demonstrating that the individual meets all of the conditions, including a copy of a background check result letter dated prior to July 25, 2014, indicating the individual was not disqualified
- Conditions met? Ensure everything is kept on file; be ready to provide in an audit or certification evaluation. No additional approval is needed.

Q: We have an employee who wasn't previously disqualified but now when we ran their renewal check they received a disqualifying result and there are no changes. What does this mean?

A: Employees who were previously cleared to work may have criminal convictions that are now disqualifying (7/1/2014):

- Burglary 1
- Extortion
- Promoting Pornography
- Promoting Prostitution 1
- Theft 1

When renewals come up for these employees they will now receive a disqualifying letter. There are no exceptions to these crimes; if a disqualifying letter is received, the Community Residential Service provider must ensure the person has no access to individuals supported by their agency.

Q: Do Children's Licensed Staff Residential Programs need to conduct background checks through the BCCU?

A: No. DDA accepts the Children's Administration background check results for these programs. No separate BCCU/DDA background check is required.

Q: Do agencies who conduct work through the Division of Vocational Rehabilitation (DVR), need to conduct background checks through BCCU?

A: Yes. These agencies must conduct background checks through both DVR and the BCCU, as DVR and DDA have different disqualifying crimes lists.

Q: Do I have to share copies of the background check result with the applicant?

- A:** Yes. Provide copies of all background check notification letters and all attachments (including RAP sheets) and notices for fingerprint rejects to the applicant. Notification letters and attachments must be provided to the applicant within 10 days of receipt from BCCU.
- Q:** **Who can we contact about issues with getting staff fingerprinted due to long days or availability of the fingerprint site?**
- A:** The BCCU monitors the contract with IDEMIA, the fingerprint vendor. Inform them if your agency is having any issues. Ask for the staff who monitors the contract. You can contact BCCU at (360) 902-0299 or BCCUInquiry@dshs.wa.gov
- Q:** **Where can we get more information about background check laws, rules, and policies?**
- A:** [DDA Policy 5.01 Background Check Authorizations](#)
[Chapter 388-113 WAC Disqualifying Crimes and Negative Actions](#)
[Chapter 74.15 RCW Care of Children, Expectant Mothers, Persons with Developmental Disabilities](#)
[RCW 74.39A.056 Criminal History Checks on Long-term Care Workers](#)
[RCW 43.43.830 - 845 Background Checks](#)
[Chapter 388-101D WAC Requirements for Providers of Residential Services and Supports](#)
[Chapter 388-825 WAC Developmental Disabilities Service Rules](#)
- Q:** **How do I stay informed of background check changes?**
- A:** Join the BCCU listserv
- Daily emails regarding turnaround times
 - Monthly BCCU statistics
 - BCCU legislative updates
 - Form changes
 - Policy changes
 - Process Changes
 - Electronic background check system updates
- You may join the BCCU ListServ by sending your name and email address to BCCUInquiry@dshs.wa.gov.