



DIVISION OF DEVELOPMENTAL DISABILITIES  
Olympia, Washington

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TITLE: CRIMINAL BACKGROUND HISTORY INQUIRIES POLICY 5.01

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Authority: RCW 74.15.020 Definitions  
RCW 74.15.030 Powers and Duties of Secretary  
RCW 43.43.830-845 Background Checks  
WAC 388-330 Background Inquiries  
WAC 162-12-140 Preemployment Inquiries  
WAC 162-16-060 Discrimination in Employment Because of  
Convictions  
DSHS Administrative Policy 9.04 Background Checks on Care Providers

**PURPOSE**

It is the purpose of this policy to ensure screening of the criminal history of individuals who provide care to people with developmental disabilities.

**BACKGROUND**

RCW 74.15.030 requires the department to conduct DSHS to conduct criminal history background inquiries of caregivers of people with developmental disabilities.

**SCOPE**

- A. This policy applies to service providers, individual contractors, or employees of contractor organizations, who provide any of the following services and/or who have regular unmonitored access to persons with developmental disabilities:
1. DDD funded residential services including: alternative living, group home, Intermediate Care Facilities for the Mentally Retarded (ICF/MR), tenant support, intensive tenant support, and supportive living;
  2. Respite care or other family support services;
  3. Professional services;
  4. Medicaid Personal Care services;
  5. Early Childhood services for programs not licensed under RCW 74.15;
  6. Employment and adult day program services;
  7. Volunteer services.
- B. Background inquiries of applicants for employment with the Division of Developmental Disabilities (DDD) are screened through Employee Services Division, Department of Social and Health Services (DSHS), pursuant to Personnel Policy 532, and RCW 41.06.475.

**PROCEDURES**

- A. Provider Requirements
1. A provider of any services described in part A of the SCOPE of Policy 5.01 who has regular unmonitored access to a client without another person present is required to submit a request for background inquiries on the form DSHS 09-653A (Rev. 6/91).
  2. Providers or administrators shall submit background inquiries within seven (7) calendar days of employment. They shall forward completed background check inquiry forms to Background Check Coordinator, DDD, P.O. Box 45310, Olympia, Washington 98504.

3. Providers shall submit background inquiries every three years after the initial inquiry has been completed.

B. Criteria for Prohibiting Employment

1. Contractors providing services described in part A of the SCOPE of Policy 5.01 shall not hire individuals to care directly for persons with developmental disabilities or to have regular unmonitored access to persons with developmental disabilities without completing a criminal background inquiry.
2. The department will disqualify individual contractors or employees of service providers, if the inquiry reveals any of the following:
  - a. The individual is listed in the Washington State Patrol's files as having a criminal or civil conviction for child/adult abuse.
  - b. The individual has been convicted within the last seven (7) years of any offense described in Appendix A of this policy.
  - c. The individual has a conviction of simple assault, assault in the fourth degree, or the same offense as it may be renamed, within three (3) years of the date of application for employment.
3. The department may disqualify an individual who has been convicted of other offenses, or whose conviction of any offense(s) in Appendix A was longer than seven (7) years ago, under the following conditions:
  - a. Disqualification may result if DSHS determines that vulnerable clients would face a significant risk of harm because of the seriousness, recency, kind and/or number of the offenses.
  - b. The department shall not use conviction as the sole basis for denial of authorization to provide care, unless the conviction is directly related to the employment or authorization being sought.

C. Noncompliance by Employers

A contractor or service provider who fails to comply with this policy will be in noncompliance with their contract.

D. Access to Forms

Service providers, contractors, or contract applicants, may obtain the background check inquiry form DSHS 09-653A(X), (Rev. 06.91) from any DDD regional office or outstation.

E. Response to Inquiries

1. DDD shall provide results of the background inquiries to service providers in fourteen (14) working days or shall notify providers the reasons for the delay.
2. The DDD Background Check Coordinator will send copies of disqualifying letters to the relevant DDD regional office.

**EXCEPTIONS**

Exceptions to this policy may be made only by the Director, Division of Developmental Disabilities.

**DEFINITIONS**

“Regular unmonitored access” generally means regularly scheduled access to clients without another person present.

**SUPERSESION**

Division Policy Directive: 128  
Issued January 1990

Approved:  /s/ Linda Johnson, Acting Date:  6/14/1993  
**Director, Division of Developmental Disabilities**