



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

**Agency:** Department of Social and Health Services, Operations Support and Services Division, Background Check Central Unit

- Preproposal Statement of Inquiry was filed as WSR: 14-13-065; or
- Expedited Rule Making--Proposed notice was filed as WSR: \_\_\_; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR:
- Continuance of WSR:

**Title of rule and other identifying information:** (Describe Subject)

The Operations Support and Services Division, Background Check Central Unit, is coordinating with Children's Administration to repeal the following sections of chapter 388-06 WAC, Background Checks: 388-06-0010, 388-06-0020, 388-06-0100, 388-06-0110, 388-06-0120, 388-06-0130, 388-06-0140, 388-06-0150, 388-06-0160, 388-06-0170, 388-06-0180, 388-06-0190, 388-06-0200, 388-06-0210, 388-06-0220, 388-06-0230, 388-06-0240, 388-06-0250, and 388-06-0260.

**Hearing location(s):**

Office Building 2  
DSHS Headquarters  
1115 Washington  
Olympia, WA 98504  
Public parking at 11<sup>th</sup> and Jefferson. A map is available at:  
<http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html>

**Submit written comments to:**

Name: DSHS Rules Coordinator  
Address: PO Box 45850  
Olympia, WA 98504  
e-mail [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov)  
fax (360) 664-6185  
**by: 5:00 p.m. December 23, 2014**

Date: December 23, 2014 Time: 10:00 a.m.

**Assistance for persons with disabilities:** Contact Jeff Kildahl, DSHS Rules Consultant by TTY (360) 664-6178 or (360) 664-6092 or by email at [Kildaja@dshs.wa.gov](mailto:Kildaja@dshs.wa.gov)

**Date of intended adoption:** Not earlier than December 24, 2014  
(Note: This is **NOT** the **effective** date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The purpose of this coordinated rulemaking is to move Children's Administration background check requirements from chapter 388-06 WAC, sections 0010 through 0260, to chapter 388-06A WAC. Under a separate CR-102, Children's Administration will create chapter 388-06A and permanently adopt Children's Administration background check rules.

**Reasons supporting proposal:**

This rulemaking is intended to resolve confusion and misapplication of program-specific background check requirements that exist because Children's Administration programmatic background check requirements are contained in the rule chapter for department-wide background check requirements.

**Statutory authority for adoption:** RCW 43.43.832

**Statute being implemented:** RCW 74.15.030; RCW 43.43.832; RCW 43.43.837

**Is rule necessary because of a:**

- Federal Law?  Yes  No
  - Federal Court Decision?  Yes  No
  - State Court Decision?  Yes  No
- If yes, CITATION:

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: November 18, 2014**

**TIME: 11:44 AM**

**WSR 14-23-074**

**DATE**

November 17, 2014

**NAME** (type or print)

Katherine Vasquez

**SIGNATURE**

**TITLE**

DSHS Rules Coordinator

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** None

**Name of proponent:** (person or organization) Department of Social and Health Services

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Cindy LaRose-Eatwell	FSA, Background Check Central Unit	(360) 902-8072
Implementation.... Chris Parvin	Children's Administration	(360) 902-0770
Enforcement.....Chris Parvin	Children's Administration	(360) 902-0770

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

Phone: ( )

Fax: ( )

e-mail

No. Explain why no statement was prepared.

These rule revisions are part of a coordinated rulemaking with Children's Administration. These revisions remove Children's Administration background check requirements from Chapter 388-06 WAC, Sections 0020 through 0260. Under a separate CR-102, Children's Administration will move their program-specific background check requirements to Chapter 388-06A. Children's Administration has determined that the rules are adopted without material change and are consistent with RCW 43.43.832. If the rule is not adopted, it would be out of compliance with state law. There is no cost to small businesses.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

Phone: ( )

fax: ( )

e-mail:

No: Please explain: These rule revisions are part of a coordinated rulemaking with Children's Administration. These revisions remove Children's Administration background check requirements from Chapter 388-06 WAC, Sections 0020 through 0260. Under a separate CR-102, Children's Administration will move their program-specific background check requirements to Chapter 388-06A. Children's Administration has determined a CBA is not required under RCW 34.05.328 subsection (5) (b) (iii). Rules are adopted by reference without material change to ensure the WAC is consistent with RCW 43.43.832. The rule content is dictated by statute.



REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-06-0010      What is the purpose of this chapter?
- WAC 388-06-0020      What definitions apply to WAC  
388-06-0100 through 388-06-0260 of this  
chapter?
- WAC 388-06-0100      Why are background checks done?
- WAC 388-06-0110      Who must have background checks?
- WAC 388-06-0120      Who is not affected by this chapter?
- WAC 388-06-0130      Does the background check process apply  
to new and renewal licenses,  
certification, contracts, and  
authorizations to have unsupervised  
access to children?
- WAC 388-06-0140      What happens if I don't comply with the  
background check requirement?
- WAC 388-06-0150      What does the background check cover?
- WAC 388-06-0160      Who pays for the background check?
- WAC 388-06-0170      Will a criminal conviction permanently  
prohibit me from being licensed,  
contracted, or authorized to have  
unsupervised access to children or to  
individuals with developmental  
disability?
- WAC 388-06-0180      Are there other criminal convictions  
that will prohibit me from working with  
children or individuals with a  
developmental disability?
- WAC 388-06-0190      If I have a conviction, may I ever have  
unsupervised access to children?
- WAC 388-06-0200      Will I be disqualified if there are  
pending criminal charges on my  
background check?
- WAC 388-06-0210      Will you license, contract, or  
authorize me to have unsupervised  
access to children if my conviction has  
been expunged, or vacated from my  
record or I have been pardoned for a  
crime?
- WAC 388-06-0220      How will I know if I have not been  
disqualified by the background check?
- WAC 388-06-0230      How will I know if I have been  
disqualified by the background check?
- WAC 388-06-0240      What may I do if I disagree with the  
department's decision to deny me a  
license, certification, contract, or  
authorization based on the results of  
the background check?

WAC 388-06-0250

Is the background check information released to my employer or prospective employer?

WAC 388-06-0260

May I receive a copy of my criminal background check results?