



EXPEDITED RULE MAKING

CR-105 (June 2004)
(Implements RCW 34.05.353)
EXPEDITED RULE MAKING ONLY

Agency: Department of Social and Health Services, Children's Administration

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

Chapter 388-06 WAC Background Check Requirements for Children's Administration was changed on February 15, 2015 to chapter 388-06A WAC. This change needs to be reflected in the Division of Licensed Resources (DLR) WACs. The following DLR WACs will replace references to chapter 388-06 WAC with chapter 388-06A WAC: WAC 388-145-1325 (2) "What is required to apply for a group care facility license?", WAC 388-145-1400 (1) "Can employees, volunteers and subcontractors be disqualified from having access to the children in my facility?", WAC 388-147-1325 (2) "What is required to apply for a child placing agency license?", WAC 388-147-1420 (1) "Can employees, volunteers and subcontractors be disqualified from having access to the children in my agency?", and WAC 388-148-1635 (1) "Can people living in my home be disqualified from having access to the children in my care?".

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

Name: Rules Coordinator
Agency: Department of Social and Health Services
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AND RECEIVED BY February 22, 2016

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

The purpose is to update the DLR WACs with the current background check chapter 388-06A WAC. There are no anticipated effects to this change.

Reasons supporting proposal:

The DLR WACs need to cite the correct background check WAC which was changed on February 15, 2015 to chapter 388-06A WAC.

Statutory authority for adoption:
RCW 74.08.090, RCW 74.15.030(2)

Statute being implemented:
RCW 74.15.030(2)

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: December 15, 2015
TIME: 9:27 AM

WSR 16-01-084

DATE
December 11, 2015

NAME (TYPE OR PRINT)
Katherine Vasquez

SIGNATURE

TITLE
DSHS Rules Coordinator

(COMPLETE REVERSE SIDE)

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

- Private
- Public
- Governmental

Name of agency personnel responsible for:

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Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-145-1325 What is required to apply for a group care facility license? (1) You, the person responsible for the license, must submit a completed application which is available from the division of licensed resources, children's administration.

(2) You must submit the following for your executive director, agency staff, consultants, interns, volunteers, and anyone who may have unsupervised access to children per chapter 388-06A WAC:

(a) Completed background authorization form; and

(b) FBI fingerprint check if the individual over eighteen years of age has lived out of state during any portion of the previous three years.

(3) You must ensure that no employee, volunteer or subcontractor has unsupervised access to children until a full and satisfactory background check is completed and returned to you, qualifying the individual for unsupervised access. If your employee requires FBI fingerprints, they are allowed to work while awaiting fingerprint results, under the provisions of WAC 388-06-0500 through 388-06-0540.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-145-1400 Can employees, volunteers and subcontractors be disqualified from having access to the children in my facility? (1) The department must disqualify employees, volunteers or subcontractors if they do not meet the regulations of chapter 388-145 WAC, or cannot have unsupervised access to children because of their background check as outlined in chapter 388-06A WAC.

(2) We will notify you if a person in your facility is disqualified from having unsupervised access to children. This could also lead to denial, suspension or revocation of your license.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-147-1325 What is required to apply for a child placing agency license? (1) You must submit a completed application which is available from the division of licensed resources; and

(2) You, your executive director, agency staff, consultants, interns, volunteers, and anyone who may have unsupervised access to children per chapter 388-06A WAC are required to:

(a) Submit a completed background authorization form;

(b) Complete an FBI fingerprint check if the individual over eighteen years of age has lived out of state during any portion of the previous three years; and

(c) Ensure that no employee, volunteer or subcontractor has unsupervised access to children until a full and satisfactory background check is completed and documentation qualifying the individual for un-

supervised access, has been returned to you. Your employees are allowed to work while awaiting fingerprint results, under the provisions of WAC 388-06-0500 through 388-06-0540.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-147-1420 Can employees, volunteers and subcontractors be disqualified from having access to the children in my agency? (1) The department must disqualify employees, volunteers or subcontractors if they do not meet the regulations of chapter 388-147 WAC or cannot have unsupervised access to children because of their background check as outlined in chapter 388-06A WAC.

(2) We will notify you if a person in your agency is disqualified from having unsupervised access to children. This could also lead to denial, suspension or revocation of your license.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-148-1635 Can people living in my home be disqualified from having access to the children in my care? (1) The department must disqualify people living in your home if they do not meet the requirements of chapter 388-148 WAC, or cannot have unsupervised access to children because of their background check (chapter 388-06A WAC).

(2) We will notify you if a person in your home is disqualified from having unsupervised access to children. This could also lead to denial, suspension or revocation of your license.