



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

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

Permanent Rule Only

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose:

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-103, Children's Administration will create chapter 388-06A and permanently adopt Children's Administration background check rules. 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.

Citation of existing rules affected by this order:

Repealed: 388-06-0010, 388-06-0020, 388-06-0100, 388-06-0110, 388-06-0120, 388-06-0130, 388-06-0140, 388-06-0150, 388-06-0160, 388-06-0170, 388-06-0180, 388-06-0190,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, 388-06-240, 388-06-0250, 388-06-0260

Amended: None

Suspended: None

Statutory authority for adoption: RCW 43.43.832

Other authority: RCW 74.15.030; RCW 43.43.832; RCW 43.43.837

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 14-23-074 on 11/18/2014 (date).
Describe any changes other than editing from proposed to adopted version:

No changes.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: N/A

Name: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

Date adopted:

January 14, 2015

NAME (TYPE OR PRINT)

Katherine Vasquez

SIGNATURE

TITLE

DSHS Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 15, 2015

TIME: 2:51 PM

WSR 15-03-070

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

| | | | | | | |
|---|-----|-------|---------|-------|----------|-----------|
| Federal statute: | New | _____ | Amended | _____ | Repealed | _____ |
| Federal rules or standards: | New | _____ | Amended | _____ | Repealed | _____ |
| Recently enacted state statutes: | New | _____ | Amended | _____ | Repealed | <u>19</u> |

The number of sections adopted at the request of a nongovernmental entity:

| | | | | | |
|-----|-------|---------|-------|----------|-------|
| New | _____ | Amended | _____ | Repealed | _____ |
|-----|-------|---------|-------|----------|-------|

The number of sections adopted in the agency's own initiative:

| | | | | | |
|-----|-------|---------|-------|----------|-------|
| New | _____ | Amended | _____ | Repealed | _____ |
|-----|-------|---------|-------|----------|-------|

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

| | | | | | |
|-----|-------|---------|-------|----------|-------|
| New | _____ | Amended | _____ | Repealed | _____ |
|-----|-------|---------|-------|----------|-------|

The number of sections adopted using:

| | | | | | | |
|---------------------------------------|-----|-------|---------|-------|----------|-----------|
| Negotiated rule making: | New | _____ | Amended | _____ | Repealed | _____ |
| Pilot rule making: | New | _____ | Amended | _____ | Repealed | _____ |
| Other alternative rule making: | New | _____ | Amended | _____ | Repealed | <u>19</u> |

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?