

## **388-97-1820 Disqualification from nursing home employment**

### **(1)**

The nursing home must not employ directly or by contract, or accept as a volunteer or student, any individual: (a) Who has a criminal conviction or pending charge for a crime, which is automatically disqualifying under chapter 388-113 WAC; (b) Who has one or more of the following disqualifying negative actions: (i) Is on a registry based upon a final finding of abuse, neglect, or financial exploitation of a vulnerable adult, unless the finding was made by adult protective services prior to October 2003; (ii) Has a founded finding of abuse or neglect of a child that was made against the person, unless the finding was made by child protective services prior to October 1, 1998; (iii) Had a contract or license denied, terminated, revoked, or suspended due to abuse, neglect, financial exploitation, or mistreatment of a child or vulnerable adult; (iv) Has relinquished a license or terminated a contract because an agency was taking an action against the individual related to alleged abuse, neglect, financial exploitation or mistreatment of a child or vulnerable adult; (v) Was found in any dependency action to have sexually assaulted or exploited any child or to have physically abused any child; (vi) Was found by a court in a domestic relations proceeding under Title 26 RCW, or under any comparable state or federal law, to have sexually abused or exploited any child or to have physically abused any child; (vii) A court has issued a

permanent restraining order or order of protection, either active or expired, against the individual that was based upon abuse, neglect, financial exploitation, or mistreatment of a child or vulnerable adult; or (viii) Is a registered sex offender.

**(a)**

Who has a criminal conviction or pending charge for a crime, which is automatically disqualifying under chapter 388-113 WAC;

**(b)**

Who has one or more of the following disqualifying negative actions: (i) Is on a registry based upon a final finding of abuse, neglect, or financial exploitation of a vulnerable adult, unless the finding was made by adult protective services prior to October 2003; (ii) Has a founded finding of abuse or neglect of a child that was made against the person, unless the finding was made by child protective services prior to October 1, 1998; (iii) Had a contract or license denied, terminated, revoked, or suspended due to abuse, neglect, financial exploitation, or mistreatment of a child or vulnerable adult; (iv) Has relinquished a license or terminated a contract because an agency was taking an action against the individual related to alleged abuse, neglect, financial exploitation or mistreatment of a child or vulnerable adult; (v) Was found in any dependency action to have sexually assaulted or exploited any child or to have physically abused any child; (vi) Was found by a court in a domestic relations proceeding under Title 26 RCW, or under any comparable state or federal law, to have sexually abused or exploited any child or to have physically abused any child; (vii) A court has issued a permanent restraining order or order of protection, either active or expired, against the individual that was based upon abuse, neglect, financial exploitation, or mistreatment of a child or vulnerable adult; or (viii) Is a registered sex offender.

**(i)**

Is on a registry based upon a final finding of abuse, neglect, or financial exploitation of a

vulnerable adult, unless the finding was made by adult protective services prior to October 2003;

**(ii)**

Has a founded finding of abuse or neglect of a child that was made against the person, unless the finding was made by child protective services prior to October 1, 1998;

**(iii)**

Had a contract or license denied, terminated, revoked, or suspended due to abuse, neglect, financial exploitation, or mistreatment of a child or vulnerable adult;

**(iv)**

Has relinquished a license or terminated a contract because an agency was taking an action against the individual related to alleged abuse, neglect, financial exploitation or mistreatment of a child or vulnerable adult;

**(v)**

Was found in any dependency action to have sexually assaulted or exploited any child or to have physically abused any child;

**(vi)**

Was found by a court in a domestic relations proceeding under Title 26 RCW, or under any comparable state or federal law, to have sexually abused or exploited any child or to have physically abused any child;

**(vii)**

A court has issued a permanent restraining order or order of protection, either active or expired, against the individual that was based upon abuse, neglect, financial exploitation, or mistreatment of a child or vulnerable adult; or

**(viii)**

Is a registered sex offender.

**(2)**

In addition to chapters 18.51 and 74.42 RCW, these rules are authorized by RCW 43.20A.710, 43.43.830 through 43.43.842 and 74.39A.050(8).