

HOUSE BILL REPORT

ESHB 1547

As Passed House:

March 7, 2023

Title: An act relating to increasing the health care workforce by authorizing out-of-state providers to practice immediately.

Brief Description: Increasing the health care workforce by authorizing out-of-state providers to practice immediately.

Sponsors: House Committee on Health Care & Wellness (originally sponsored by Representatives Caldier, Christian, Volz, Eslick, Hutchins and Graham).

Brief History:

Committee Activity:

Health Care & Wellness: 1/31/23, 2/10/23 [DPS].

Floor Activity:

Passed House: 3/7/23, 95-0.

Brief Summary of Engrossed Substitute Bill

- Permits a registered nurse, advanced registered nurse practitioner, or licensed practical nurse to practice in Washington for up to 30 days before obtaining a temporary practice permit if the person is licensed and in good standing in Alaska, California, Idaho, or Oregon, is authorized by the Nursing Care Quality Assurance Commission (Commission), and meets certain other requirements.
- Requires the Commission to issue an expedited temporary practice permit to practice as a registered nurse, advanced registered nurse practitioner, or licensed practical nurse to a person who is licensed and in good standing in Alaska, California, Idaho, or Oregon and meets certain other requirements.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Riccelli, Chair; Bateman, Vice Chair; Hutchins, Assistant Ranking Minority Member; Barnard, Bronoske, Davis, Graham, Macri, Maycumber, Mosbrucker, Orwall, Simmons, Stonier, Thai and Tharinger.

Minority Report: Do not pass. Signed by 1 member: Representative Harris.

Minority Report: Without recommendation. Signed by 1 member: Representative Schmick, Ranking Minority Member.

Staff: Emily Poole (786-7106).

Background:

Nurse Licensure.

The Nursing Care Quality Assurance Commission (Commission) is the licensing and disciplining authority for registered nurses, advanced registered nurse practitioners, and licensed practical nurses in Washington. Applicants for a license to practice as a registered nurse, advanced registered nurse practitioner, or licensed practical nurse are required to submit a written application, an official transcript demonstrating successful completion of an approved program, and any other official records specified by the Commission.

The Uniform Disciplinary Act governs unlicensed practice, the issuance and denial of licenses, and the discipline of health professionals in Washington, including registered nurses, advanced registered nurse practitioners, and licensed practical nurses.

Temporary Practice Permits.

Under the Uniform Disciplinary Act, the Secretary of the Department of Health (Department) is required to establish requirements for each applicant for an initial license to obtain a state background check through the Washington State Patrol prior to the issuance of any license. The Secretary is required to specify situations where an applicant for an initial license must obtain an electronic fingerprint-based national background check through the Washington State Patrol and the Federal Bureau of Investigation. Situations where a fingerprint-based national background check may be required include instances where an applicant has recently lived out of state or where the applicant has a criminal record in Washington.

If an individual licensed in another state that has licensing standards substantially equivalent to Washington applies for a license, the disciplining authority shall issue a temporary practice permit authorizing the applicant to practice the profession pending completion of

documentation that the applicant meets the requirements for a license. The temporary permit may reflect statutory limitations on the scope of practice. The permit may be issued only upon the disciplining authority receiving verification from the states in which the applicant is licensed that the applicant is currently licensed and is not subject to charges or disciplinary action for unprofessional conduct or impairment.

As established by the Department in rule, a temporary practice permit issued by the Commission expires when a license is granted, a notice of decision on application is mailed to the applicant, or 180 days after the temporary practice permit is issued. If, at the expiration of the original temporary practice permit, the Department has not received information from the fingerprint-based national background check, the Commission may renew the temporary practice permit for an additional 180 days.

Reciprocity.

The Department is required to issue a license by endorsement without examination to practice as a registered nurse or as a licensed practical nurse to a person who is licensed as a registered nurse or licensed practical nurse under the laws of another state, and who meets all other qualifications for licensing. Other qualifications for licensing, as set out in rule, include submitting required documents, including a completed licensure application, an official transcript, and a verification of the applicant's original license from the state of original licensure.

Applicants for interstate endorsement as an advanced registered nurse practitioner must comply with additional requirements as set out in rule, including applying for and being granted a registered nurse license.

Summary of Engrossed Substitute Bill:

Authorization to Practice Before Obtaining a Temporary Practice Permit.

A registered nurse, advanced registered nurse practitioner, or licensed practical nurse may practice in Washington for up to 30 days before obtaining an expedited temporary practice permit or a temporary practice permit if:

- the person is licensed and in good standing in the state of Alaska, California, Idaho or Oregon;
- the person has accepted an employment offer requiring the person to be licensed in Washington as a registered nurse, advanced registered nurse practitioner, or licensed practical nurse;
- the person's employer requests authorization for the person to begin practicing in Washington; and
- the Commission authorizes the person to begin practicing.

A person authorized to practice for a 30-day period may only practice in Washington to the

extent that would be permitted if the person were licensed in Washington. The Commission or the person's employer may restrict the services that a person may provide during the 30-day period. Certain sections of the Uniform Disciplinary Act apply to a person authorized to practice for 30 days prior to obtaining a temporary practice permit, including sections pertaining to discipline, the ability of a person to practice with reasonable skill and safety, and a person's rights of notice, hearing, and judicial review.

Expedited Temporary Practice Permits.

The Commission is required to issue an expedited temporary practice permit to practice as a registered nurse, advanced registered nurse practitioner, or licensed practical nurse to a person who:

- holds a current license to practice as a registered nurse, advanced registered nurse practitioner, or licensed practical nurse issued by a professional licensing board in Alaska, California, Idaho, or Oregon;
- provides to the Commission sufficient proof that the person is in good standing with the issuing out-of-state licensing board;
- submits information required for the national background check fingerprint process, if applicable; and
- meets all other requirements and qualifications for a temporary practice permit.

An expedited temporary practice permit authorizes a person to practice as a registered nurse, advanced registered nurse practitioner, or licensed practical nurse in Washington, pending the results of the fingerprint-based national background check, to the extent allowed by rules adopted by the Commission. An expedited temporary practice permit is valid until the person is granted a full license to practice in Washington or until the expedited temporary practice permit expires, whichever is earlier. An expedited temporary practice permit is not renewable.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2023.

Staff Summary of Public Testimony:

(In support) There is a severe health care worker shortage in Washington that began before the pandemic. The shortage causes an overflow in emergency rooms and puts strain on nurses. This bill should open up a larger conversation about the shortage, because there needs to be a long-term solution.

(Opposed) The bill raises concerns about liability and discipline, because the out-of-state health care providers would not be subject to the Uniform Disciplinary Act. The bill takes

authority away from the Commission. There would be no mechanism for the state to discipline out-of-state health care providers under this bill or for a provider's home state to learn about discipline in Washington. The bill cedes authority to other states and their licensing processes. If the intent of the bill is to address nurses, the bill should be narrowed to only address nurses. Reciprocity and interstate compacts are a better solution. This bill would allow a health care provider to practice beyond their scope of practice as established in Washington.

Persons Testifying: (In support) Representative Michelle Caldier, prime sponsor; and Raul Garcia, Astria Toppenish Hospital.

(Opposed) Melissa Johnson, Washington State Nurses Association; and Bob Cooper, National Association of Social Workers Washington Chapter.

Persons Signed In To Testify But Not Testifying: None.