

RCW 18.52C.040 Duties of nursing pool—Application of uniform disciplinary act—Background checks. (1) The nursing pool shall document that each health care or long-term care personnel provided or referred to health care facilities currently meets the applicable minimum state credentialing requirements including, but not limited to: Licensure, certification, training, health requirements, and continuing education standards, for the health care or long-term care personnel's position in the health care facility.

(2) The nursing pool shall not require, as a condition of employment or referral, that employees or independent contractors of the nursing pool recruit new employees or independent contractors for the nursing pool from among the permanent employees of the health care facility to which the nursing pool employee or independent contractor has been assigned or referred.

(3) The nursing pool shall carry professional and general liability insurance to insure against any loss or damage occurring, whether professional or otherwise, as the result of the negligence of its employees, agents or independent contractors for acts committed in the course of their employment with the nursing pool: PROVIDED, That a nursing pool that only refers self-employed, independent contractors to health care facilities shall carry professional and general liability insurance to cover its own liability as a nursing pool which refers self-employed, independent contractors to health care facilities: AND PROVIDED FURTHER, That it shall require, as a condition of referral, that self-employed, independent contractors carry professional and general liability insurance to insure against loss or damage resulting from their own acts committed in the course of their own employment by a health care facility.

(4) The nursing pool shall provide the nursing home, assisted living facility, enhanced services facility, or adult family home written notice, at least 90 days in advance, of contract changes including, but not limited to, availability or charges for services, items, or activities.

(5) A nursing pool may not, in any contract with health care personnel or a nursing home, assisted living facility, enhanced services facility, or adult family home that lasts longer than 13 weeks, require the payment of liquidated damages, employment fees, or other compensation if health care or long-term care personnel is hired as a permanent employee by the nursing home, assisted living facility, enhanced services facility, or adult family home.

(6) Nursing pools shall provide to the secretary annually the average total hours worked and billed by nursing category and as aggregated by nursing home, assisted living facility, enhanced services facility, or adult family home facility type.

(7) The uniform disciplinary act, chapter 18.130 RCW, shall govern the issuance and denial of registration and the discipline of persons registered under this chapter. The secretary shall be the disciplinary authority under this chapter.

(8) The nursing pool shall conduct a background check on all health care and long-term care personnel as required under RCW 43.43.842 and 74.39A.056, and an exclusion verification as required under 42 U.S.C. Sec. 1320a-7, prior to employment or referral of the health care or long-term care personnel. [2023 c 100 § 4; 1997 c 392 § 528; 1991 c 3 § 132; 1988 c 243 § 4.]

Short title—Findings—Construction—Conflict with federal requirements—Part headings and captions not law—1997 c 392: See notes following RCW 74.39A.009.