
HOUSE BILL 2798

State of Washington

57th Legislature

2002 Regular Session

By Representatives Conway, Campbell, Cody, Linville, Darneille, Lysen, Edwards, Schual-Berke and Van Luven

Read first time 01/29/2002. Referred to Committee on Appropriations.

1 AN ACT Relating to payment for nursing care services; and amending
2 RCW 18.52C.040.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 18.52C.040 and 1997 c 392 s 528 are each amended to
5 read as follows:

6 (1) The nursing pool shall document that each temporary employee or
7 referred independent contractor provided or referred to health care
8 facilities currently meets the applicable minimum state credentialing
9 requirements.

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

16 (3) The nursing pool shall carry professional and general liability
17 insurance to insure against any loss or damage occurring, whether
18 professional or otherwise, as the result of the negligence of its
19 employees, agents or independent contractors for acts committed in the

1 course of their employment with the nursing pool: PROVIDED, That a
2 nursing pool that only refers self-employed, independent contractors to
3 health care facilities shall carry professional and general liability
4 insurance to cover its own liability as a nursing pool which refers
5 self-employed, independent contractors to health care facilities: AND
6 PROVIDED FURTHER, That it shall require, as a condition of referral,
7 that self-employed, independent contractors carry professional and
8 general liability insurance to insure against loss or damage resulting
9 from their own acts committed in the course of their own employment by
10 a health care facility.

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

15 (5) The nursing pool shall conduct a criminal background check on
16 all employees and independent contractors as required under RCW
17 43.43.842 prior to employment or referral of the employee or
18 independent contractor.

19 (6) The nursing pool providing employees or referring independent
20 contractors to a health care facility shall not bill or receive
21 payments from such a health care facility at a rate higher than one
22 hundred twenty-five percent of the weighted average wage rate, in the
23 county in which the health care facility is located, for nursing home
24 employees of like classification. Each county's weighted average wage
25 rate for employee classifications, which includes related taxes and
26 benefits, must be determined by the department of social and health
27 services using the median wage established by nursing home cost reports
28 required under chapter 74.46 RCW and hospital collective bargaining
29 agreements. The department of social and health services must report
30 this data to the secretary on an annual basis. The secretary will
31 provide this data to all nursing pools registered under this chapter.
32 The maximum rate a nursing pool may charge a health care facility must
33 include all charges for administrative fees, contract fees, or other
34 special charges in addition to the hourly rates for the nursing pool
35 employees or referred independent contractors supplied to the health
36 care facility.

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