

WSR 24-10-096
EMERGENCY RULES
DEPARTMENT OF HEALTH
(Board of Nursing)

[Filed April 30, 2024, 2:47 p.m., effective April 30, 2024, 2:47 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Out-of-state nursing school requirements for licensure. The Washington state board of nursing (board) is amending WAC 246-840-030 and 246-840-090 to clarify existing licensure requirements for registered nurse (RN) and licensed practical nurse (LPN) applicants applying for initial licensure via an out-of-state traditional nursing education program approved by another United States nursing board and applicants applying via interstate endorsement.

The board is engaged in permanent rule making to adopt these emergency amendments as permanent rules. Transition from emergency to permanent rules was approved by the board and a notice of intent to begin rule making was filed on May 24, 2023, under WSR 23-11-143. A public hearing was recently held on March 8, 2024, and the adoption of permanent rules is moving forward.

This is the fourth emergency rule, initially filed as WSR 23-11-015 on May 5, 2023, and most recently filed as WSR 24-02-059 on December 29, 2023. The amended language in this emergency rule has not changed since the last emergency rule filing.

The rules as currently written state that a nurse who has graduated from another state's approved nursing program or from a substantially equivalent program may be licensed in Washington. The board became aware that certain nursing programs in Florida and elsewhere had fraudulent programs that did not meet the educational standards of any state. The emergency rule language clarifies the board's authority to protect the people of Washington by only licensing qualified, properly trained nurses who meet minimum educational standards.

These emergency rules clarify that RN and LPN applicants, applying for licensure via interstate endorsement or for initial licensure via an out-of-state traditional nursing education program approved by another United States nursing board, must successfully complete a nursing education program in another United States state, which is approved by the nursing board in that state and substantially meets requirements for nursing education approved in Washington state. The amendments also reaffirm that the board retains the authority to evaluate and determine the sufficiency of academic preparation for all applicants. These amendments are preliminary steps to future permanent rule amendments and clarification identified by the board's licensing subcommittee.

Citation of Rules Affected by this Order: Amending WAC 246-840-030 and 246-840-090.

Statutory Authority for Adoption: RCW 18.79.110.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Immediate amendment of these rules is necessary for the preservation of the public health, safety, and general welfare and observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary

to the public interest. Adoption of emergency rules described above is necessary to ensure nurses working in Washington state meet minimum standards for safe practice. This emergency rule will be refiled every 120 days until permanent rule making is completed. Permanent rule making is currently in process and is almost completed.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date [Adopted]: April 26, 2024.

Alison Bradywood DNP, MN/MPH, RN, NEA-BC
Executive Director

OTS-4435.6

AMENDATORY SECTION (Amending WSR 21-04-016, filed 1/22/21, effective 2/22/21)

WAC 246-840-030 Initial licensure for registered nurses and practical nurses—Out-of-state traditional nursing education program approved by another United States nursing board. (1) Registered ~~((nursing))~~ nurse and practical ~~((nursing))~~ nurse applicants educated in a traditional nursing education program approved by another United States nursing board and applying for initial licensure ~~((must))~~ shall:

~~((1))~~ (a) Successfully complete a ~~((board-approved))~~ nursing education program in another U.S. state, which:

(i) Is approved by the nursing board in that state; and

(ii) Substantially meets requirements for nursing education approved in Washington state. The board retains authority to evaluate and determine the sufficiency of academic preparation for all applicants.

~~((Applicants from a board approved registered nurse program who are applying for a practical nurse license:~~

~~(a) Complete all course work required of board approved practical nurse programs as listed in WAC 246-840-575(2). Required courses not included in the registered nurse program may be accepted if the courses were obtained through a commission approved program.~~

~~(b) Be deemed as capable to safely practice within the scope of practice of a practical nurse by the nurse administrator of the applicant's nursing education program.~~

~~(2))~~ (b) Successfully pass the ~~((commission))~~ board-approved licensure examination as provided in WAC 246-840-050.

~~((3))~~ (c) Submit the following documents:

~~((a))~~ (i) A completed licensure application with the required fee as defined in WAC 246-840-990.

~~((b))~~ (ii) An official transcript sent directly from the applicant's nursing education program to the ~~((commission))~~ board. The transcript must include course names and credits accepted from other programs. The transcript must show:

~~((i))~~ (A) The applicant has graduated from an approved nursing program or has successfully completed the prelicensure portion of an approved graduate-entry registered nursing program; or

~~((ii))~~ (B) That the applicant has completed all course work required in a ~~((commission))~~ board-approved practical nurse program as listed in WAC ~~((246-840-575(2))~~ 246-840-539.

~~((e-Applicants))~~ (iii) An applicant from a board-approved registered nurse program who ~~((are))~~ is applying for a practical nurse license ~~((must))~~ shall also submit an attestation sent from the nurse administrator of the applicant's nursing education program indicating that the applicant is capable to safely practice within the scope of practice of a practical nurse.

(2) An applicant from an out-of-state board-approved registered nurse program who is applying for a practical nurse license shall:

(a) Complete all course work required of board-approved practical nurse programs as listed in WAC 246-840-539. Required courses not included in the registered nurse program may be accepted if the courses were obtained through a board-approved program.

(b) Be deemed as capable to safely practice within the scope of practice of a practical nurse by the nurse administrator of the applicant's nursing education program.

AMENDATORY SECTION (Amending WSR 21-04-016, filed 1/22/21, effective 2/22/21)

WAC 246-840-090 Licensure for nurses by interstate endorsement.

Registered nurse and practical nurse applicants for interstate endorsement may be issued a license without examination provided the applicant meets the following requirements:

(1) The applicant graduated and holds a degree from:

(a) A ~~((commission or))~~ state board-approved program preparing candidates for licensure as a nurse, which substantially meets requirements for nursing education approved in Washington state, as determined by the board; or

(b) A nursing program that is equivalent to ~~((commission))~~ board-approved nursing education in Washington state at the time of graduation as determined by the ~~((commission))~~ board.

(2) The applicant holds a current active nursing license in another state or territory, or holds an inactive or expired license in another state or territory and successfully completes a ~~((commission))~~ board-approved refresher course.

(a) An applicant whose license was inactive or expired must be issued a limited education authorization by the ~~((commission))~~ board to enroll in the clinical portion of the refresher course.

(b) The limited education authorization is valid only while working under the direct supervision of a preceptor and is not valid for employment as a registered nurse.

(3) The applicant was originally licensed to practice as a nurse in another state or territory after passing the National Council Licensure Examination (NCLEX).

(4) ~~((Applicants))~~ An applicant graduating from a nursing program ~~((s))~~ outside the U.S. ~~((must))~~ shall demonstrate English proficiency by:

(a) Passing a ~~((commission))~~ board-approved English proficiency test if the nursing education is not in one of the following countries: Canada (except for Quebec), United Kingdom, Ireland, Australia, New Zealand, American Samoa, Guam, Northern Mariana Islands, and U.S. Virgin Islands ~~((, or complete one thousand))~~; or

(b) Completing 1,000 hours of employment as a licensed nurse in another state ~~((, or provide))~~. The 1,000 hours of employment must be in the same licensed role as the nurse is applying for licensure in Washington state. Proof of employment must be submitted to the board; or

(c) Providing evidence directly from the ~~((school))~~ program of earning a high school diploma or college degree from a United States institution.

~~((The one thousand hours of employment must be in the same licensed role as the nurse is applying for licensure in Washington state. Proof of employment must be submitted to the commission.))~~

(5) For RNs: If the applicant is a graduate of a nontraditional nursing education program and:

(a) Was licensed as a practical/vocational nurse prior to licensure as a registered nurse, the applicant ~~((must submit evidence of two hundred hours of preceptorship in the role of a registered nurse as defined in WAC 246-840-035, or at least one thousand hours of practice as a registered nurse without discipline of the registered nurse license by any other state or territory))~~ shall meet the requirements defined in WAC 246-840-048.

(b) Was not licensed as a practical/vocational nurse prior to licensure as a registered nurse, the applicant ~~((must))~~ shall submit evidence of at least ~~((one thousand))~~ 1,000 hours of practice as a registered nurse without discipline of the registered nurse license by any other state or territory.

(6) All applicants must submit the following documents:

(a) A completed licensure application with the required fee as defined in WAC 246-840-990.

(b) An official transcript sent directly from the applicant's nursing education program to the ~~((commission))~~ board if the education cannot be verified from the original board of nursing, or ~~((commission))~~ board-approved evaluation agency.

(i) The transcript must contain adequate documentation demonstrating that the applicant graduated from an approved nursing program or successfully completed the prelicensure portion of an approved graduate-entry registered nursing program.

(ii) The transcripts ~~((shall))~~ must include course names and credits accepted from other programs.

(c) Verification of an original registered or practical nurse license from the state or territory of original licensure. The verification must identify that issuance of the original licensure included passing the NCLEX.

(d) For an applicant ~~((s))~~ educated outside the United States and in territories or countries not listed in subsection (4)(a) of this section, successful results of a ~~((commission))~~ board-approved English

proficiency exam, or, evidence of (~~one thousand~~) 1,000 hours worked as a nurse.

(e) For RNs: If the applicant is a graduate of a nontraditional program in nursing and:

(i) Was licensed as a practical/vocational nurse prior to licensure as a registered nurse, the applicant (~~must~~) shall submit (~~documentation of two hundred hours of preceptorship in the role of a registered nurse as defined in WAC 246-840-035 or at least one thousand hours of practice as a registered nurse without discipline of the registered nurse license by any other state or territory~~) the requirements outlined in WAC 246-840-048.

(ii) Was not licensed as a practical/vocational nurse prior to licensure as a registered nurse, the applicant (~~must~~) shall submit documentation of at least (~~one thousand~~) 1,000 hours of practice as a registered nurse without discipline of the registered nurse license by any other state or territory.