

SENATE BILL REPORT

SB 5582

As Reported by Senate Committee On:
Higher Education & Workforce Development, February 8, 2023
Ways & Means, February 23, 2023

Title: An act relating to reducing barriers and expanding educational opportunities to increase the supply of nurses in Washington.

Brief Description: Reducing barriers and expanding educational opportunities to increase the supply of nurses in Washington.

Sponsors: Senators Holy, Randall, Rivers, Robinson, Dozier, King, Conway, Shewmake, Padden, Lovick, Gildon, Muzzall, Lovelett, Mullet, Nobles, Saldaña, Valdez, Van De Wege, Wellman, Wilson, C. and Wilson, L..

Brief History:

Committee Activity: Higher Education & Workforce Development: 2/01/23, 2/08/23 [DPS-WM].

Ways & Means: 2/18/23, 2/23/23 [DP2S].

Brief Summary of Second Substitute Bill

- Directs the state board for community and technical colleges to develop a plan to increase credential opportunities in nursing.
- Requires development of an online Licensed Practice Nurse program at two community or technical colleges.
- Modifies program approval and training requirements under the Nursing Care Quality Assurance Commission.
- Creates the High School Student Certified Nursing Assistant Pilot Program.

SENATE COMMITTEE ON HIGHER EDUCATION & WORKFORCE

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.

DEVELOPMENT

Majority Report: That Substitute Senate Bill No. 5582 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Hawkins and Lias.

Staff: Alicia Kinne-Clawson (786-7407)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5582 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Rolfes, Chair; Robinson, Vice Chair, Operating & Revenue; Mullet, Vice Chair, Capital; Wilson, L., Ranking Member, Operating; Gildon, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Rivers, Assistant Ranking Member, Capital; Warnick, Assistant Ranking Member, Capital; Billig, Boehnke, Braun, Conway, Dhingra, Hasegawa, Hunt, Keiser, Muzzall, Nguyen, Pedersen, Saldaña, Torres, Van De Wege, Wagoner and Wellman.

Staff: Michele Alishahi (786-7433)

Background: Workforce Demands. Registered nurses (RN), licensed practical nurses (LPN), and certified nursing assistants (CNA) continuously rank among the most in-demand careers in Washington State with exceptionally long vacancies. Over the last five years, the state has averaged 3200 qualified applicants to nursing programs turned away annually due to not enough capacity in RN programs. The community and technical colleges are graduating between 1600 and 1800 nursing students annually.

The Nursing Care Quality Assurance Commission (NCQAC) regulates the nursing profession in Washington and establishes, monitors, and enforces licensing, standards of practice, and discipline. NCQAC has responsibility for approving and regulating all nursing education programs in the state.

NCQAC is currently operating the following programs to address the nursing workforce demands:

- LPN apprenticeship program—in 2021, the Legislature provided a planning grant to NCQAC to fund a 3-year implementation of the LPN apprenticeship program; and
- Washington State Student Nurse Preceptor Grant Program—the grant program is currently funded at \$3 million annually and funds nurses who precept nursing students in healthcare settings including advanced registered nurse practitioner, RN, and LPN programs.

Skill Centers. Skill centers are regional career and technical education (CTE) instructional

venues established and operated by a host school district to provide access to comprehensive, industry-defined CTE programs that prepare high school students for careers, employment, apprenticeships, and postsecondary education. There are 14 skill centers in Washington. In the 2019-20 school year, approximately 5600 full-time equivalent students were enrolled in skill centers.

Summary of Bill (Second Substitute): Expanding Nursing Credential Opportunities. *State Board for Community and Technical Colleges.* Subject to amounts appropriated, the State Board for Community and Technical Colleges (SBCTC) to develop a plan to train more nurses over the next four years. The plan must include CNAs, LPNs, and RNs. The plan must prioritize programs which create new capacity, expand training opportunities for rural and underserved students, demonstrate long-term sustainability, and expand partnerships between employers and exclusive bargaining units. A report with the plan is due by December 1, 2024.

SBCTC must select two community or technical colleges, one on either side of the cascade crest, to develop an online LPN curriculum. The curriculum may include use of a mobile skills lab or other innovative approaches to serve rural students.

Licensed Practical Nurse Apprenticeship Pathway Program. The Home Care Aid to LPN Apprenticeship Pathway Program is created with three pilot locations in geographically disparate sites. A report is due to the Legislature on barriers faced by current and prospective students, the status of the pilot and opportunities to scale-up by December 1, 2025.

Marketing Program. The Workforce Board is required to contract with marketing firms to advertise available nurse training opportunities and jobs in Washington.

Eliminate Bottlenecks in Nurse Training. *Nursing Care Quality Assurance Commissions.* NCQAC is permitted to grant approval to bachelors degrees in nursing programs where the nurse administrator holds a graduate degree with a major in nursing and sufficient experience.

NCQAC must count one hour of simulation lab experience in place of two hours of clinical placement learning, up to a maximum of 50 percent of the required clinical hours for nurse licensure.

Subject to amounts appropriated, the Legislature intends to expand the Student Nurse Preceptor Grant Program . NCQAC must expand the program with a focus on serving acute shortage areas including rural and underserved communities and long-term care facilities. In addition, increased clinical opportunities must be achieved through reducing the required number of qualifying hours for grant eligibility from 100 to 80.

Grow K-12 Pathways into Healthcare Careers. *Career and Technical Education Grant*

Program. Establishes a grant program for CTE health sciences to allow districts to create or expand health science program offerings.

High School Student CNAs Pilot Program. The Nursing Commission, in collaboration with rural hospitals, CNA certified training programs, and the Department of Labor and Industries, must create at least two pilot projects for rural hospitals to help address workforce shortages and promote nursing careers in rural hospitals. The pilot project must have at least one participating rural hospital on the east and west side of the Cascade mountains.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Second Substitute):

- Strikes the appropriation in section 2 for the community and technical colleges to create a plan to train additional nurses and makes it subject to appropriations.
- Modifies the creation of an online LPN program in section 3 to be at two community and technical colleges, one on either side of the cascade crest.
- Eliminates the creation of a Department of Veterans Affairs CNA training program.
- Strikes the appropriation in section 10 for the student Nurse Preceptor Grant Program and makes it subject to appropriations.
- Eliminates sections 13 and 14, modifying staffing ratios for skills centers.
- Modifies the application of the simulation lab requirement to apply to nurses seeking licensure and not nurses who already hold licensure, seeking endorsement in Washington State.
- Requires the Nursing Commission to submit a report on the outcomes of the Nurse Preceptor Grant Program instead of the Department of Health.

EFFECT OF CHANGES MADE BY HIGHER EDUCATION & WORKFORCE DEVELOPMENT COMMITTEE (First Substitute):

- Requires the state board to prioritize employer and exclusive bargaining unit partnerships in development of the plan to train additional nurses.
- Adds employer and exclusive bargaining unit partnerships as entities to be consulted in multiple program areas.
- Eliminates the priority enrollment given to students in the LPN apprenticeship pathway program to nursing programs and directs the workforce board to student barriers faced by apprenticeship pathway students.
- Adds personal care aids to the entities including in a statewide marketing plan.
- Requires OFM to benchmark the 50th and 75th percentiles for nurse educator compensation in the nurse educator salary survey.
- Allows the WA Department of Veterans Affairs to develop own CNA program or adopt an existing model.
- Modifies the requirement that one hour of simulated learning account for two hours of clinical learning to apply to a maximum of 50 percent of clinical hours and

- specifies that this competency applies to nursing licensure.
- Directs that the expansion of the nurse preceptor grant program includes reducing the number of hours required to be eligible for the grant.
- Makes technical corrections throughout.

Appropriation: The bill contains a section or sections to limit implementation to the availability of amounts appropriated for that specific purpose.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill (Higher Education & Workforce Development): *The committee recommended a different version of the bill than what was heard.* PRO: Healthcare has been an issue since the day I walked in the Legislature. We have two problems, we have an attrition rate with many nurses retiring, and we don't have a pipeline available to replace nurses. There are many factors causing the staffing shortage. Doing more with less is a healthcare problem. It's a patient safety problem. Institutions don't have the ability to staff adequately as the workforce shifts to better paying traveling nurse roles. When you have inadequate nursing workforce then all these things exacerbate the crisis faced by healthcare facilities. This bill attempts to address the pipeline problem. It provides funding an incentive to be flexible in addressing the problem. The state employment security division says that nursing is currently the most in-demand occupation in the state. There are thousands of qualified applicants to nursing school turned away each year. We appreciate the bills focus on rural communities. The healthcare needs are becoming more complex. By targeting efforts to grow the pipeline we can help address this shortage. The focus on more CNAs into the veterans homes is crucial for veteran care and safety. We appreciate your work to address hospital staffing by increasing opportunities to become nurses. The additional investments in the nursing preceptor grant program will be a huge help. The nursing shortage has been particularly hard on long-term care. There have been barriers in career paths for our nurses and this bill gets to the heart of these issues. It moves away from programs that use a perfect GPA as the prerequisite and to programs that use workforce experience. Eliminating the doctorate requirement for nursing administrators removes a significant barrier for rural programs. We are concerned with guaranteed admission for LPN pathways programs may disadvantage students choosing the traditional route over the other modality. This would increase the equity gap without any benefit to the workforce. We are in strong support of the 1:2 simulation training. We believe the salary survey of nurse educators is essential. This bill looks at innovative ways to grow the number of nurses and does a good job exploring new ways to grow the pipeline.

OTHER: During the COVID pandemic the ability for students to complete their clinical experience was jeopardized. Nursing looked to simulation to replace those experiences. We

have to make sure that students still need practice to translate those simulation skills to patient care. Students who participated in two hours of high quality nursing simulation performed as well or better than students in traditional clinical settings. We have one study where we are beginning to see that this can be successful. The shortage of CNAs nationwide coupled with growing demand is creating substantial capacity constraints for the states veterans homes. Because of this shortage we are holding beds vacant and unable to provide skilled nursing care. We used to be at 96 percent of beds filled and now we are closer to 75. This bill will allow us to recruit and train CNA candidates. We will assist people from marginalized communities and those that may not have the ability to pay for education to access good jobs. We know that nursing needs many more safe, competent nurses. Currently deans and directors of baccalaureate programs are required to be doctorally prepared. It is this doctorate that trains them to teach research methods and safe practices. Guaranteed admission to the home care aid apprenticeship program is concerning because these students may need additional academic support to be successful. We strongly support the change to the simulation experience. We appreciate the funding to the preceptor program and encourage further expansion of eligibility under this program. We recommend benchmarking the salary survey to the 75th percentile as its closer to market. And we encourage you to consider including the public baccalaureates as part of the solution to expanding programs. We appreciate the inclusion of the LPN pathways into statute. Many of the recommendation in this bill are in progress or are in discussion as potential solutions to help the healthcare workforce. We are encouraged by the focus to address some longstanding problems for the long term care workforce.

Persons Testifying (Higher Education & Workforce Development): PRO: Senator Jeff Holy, Prime Sponsor; Katharine Weiss, Washington State Nurses Association; Carma Matti-Jackson, Washington Health Care Association; Dane Austreng, SEIU Healthcare 1199NW; Anna Nikolaeva Olson, State Board for Community and Technical Colleges; Marriya Wright, South Puget Sound Community College; Ashlen Strong, Washington State Hospital Association; Dustin Lambro, UFCW 3000.

OTHER: Paula Meyer, Nursing Care Quality Assurance Commission; Terry Westhoff, Washington State Department of Veterans Affairs; Sharon Fought, WA State Nursing Care Quality Assurance Commission; Chris Mulick, Washington State University; Mary Koithan, Dean, WSU College of Nursing; Donald Smith, Workforce Board.

Persons Signed In To Testify But Not Testifying (Higher Education & Workforce Development): No one.

Staff Summary of Public Testimony on First Substitute (Ways & Means): *The committee recommended a different version of the bill than what was heard.*

PRO: We appreciate this bill's multi-pronged approach in addressing our current healthcare workforce crisis. The bill's focus on addressing the needs of our rural communities is very important. Our rural communities are doing more with less. Health care needs are complex, and budgets are tighter. Recruiting and retaining more CNAs are crucial to supporting our

nurses and ensuring the safety of our patients.

Persons Testifying (Ways & Means): PRO: Melissa Johnson, Washington State Nurses Association; Arlen Harris, SBCTC.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.