

WSR 24-20-129

PROPOSED RULES

DEPARTMENT OF HEALTH

(Board of Nursing)

[Filed October 1, 2024, 3:04 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-05-022.

Title of Rule and Other Identifying Information: Education requirements for advanced registered nurse practitioner (ARNP) licensure, amending WAC 246-840-010, 246-840-340, and 246-840-342. The Washington state board of nursing (board) is proposing amendments to education requirements for ARNP licensure in response to the joint administrative rules review committee's (JARRC) recommendation.

Hearing Location(s): On November 8, 2024, 1:15 p.m., at the Department of Health, Town Center 2, Room 167, 111 Israel Road S.E., Tumwater, WA 98501; or virtual. Please follow this link to register for the virtual hearing which will give you instructions to either join the meeting on a device, or to call in to the meeting on the phone https://us02web.zoom.us/join/9tZUodOigpZgoE9dGJQW-Uz8UWiZz5N2_LIMk. After registering, you will receive a confirmation email containing information about joining the webinar. The public hearing will be hybrid. Participants can attend at the physical location or virtually by registering on Zoom.

Date of Intended Adoption: November 8, 2024.

Submit Written Comments to: Jessilyn Dagum, P.O. Box 47864, Olympia, WA 98504-7864, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-4738, beginning the date and time of this filing, by November 6, 2024, at 11:59 p.m.

Assistance for Persons with Disabilities: Contact Jessilyn Dagum, phone 360-236-3538, fax 360-236-4738, TTY 711, email WABONRules@doh.wa.gov, by November 6, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: On July 5, 2023, JARRC found by a majority vote that by not defining "graduate degree" in rule, and by authorizing exemptions to WAC 246-840-340 and 246-840-342 by agency procedure, the board is using a policy in place of a rule that has not been adopted in accordance with all applicable provisions of law. JARRC recommended that the board define "graduate degree" and provide for the exemptions in board procedures by rule.

The proposed amendments to WAC 246-840-010, 246-840-340, and 246-840-342 address JARRC's recommendation by defining the term "graduate degree" and providing for exemptions to education requirements for ARNP licensure in rule.

Proposed amendments to WAC 246-840-010 define the term "graduate degree" as a master's or doctoral degree and amendments to WAC 246-840-342 (1)(b) provide for exemptions to education requirements for ARNP licensure as outlined in board procedure B09.06 (II).

Reasons Supporting Proposal: The proposed amendments are needed to address the findings of JARRC, which recommended the board define "graduate degree" and codify exemptions to education requirements in the rules. By doing so, the board will ensure transparency and compliance with legal standards.

Statutory Authority for Adoption: RCW 18.79.010, 18.79.110, 18.79.160, and 18.79.250.

Statute Being Implemented: RCW 18.79.010, 18.79.110, 18.79.160, and 18.79.250.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state board of nursing, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Jessilyn Dagum, 111 Israel Road S.E., Tumwater, WA 98504, 360-236-3538; Enforcement: Mary Sue Gorski, 111 Israel Road S.E., Tumwater, WA 98504, 360-915-3334.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Jessilyn Dagum, P.O. Box 47864, Olympia, WA 98504-7864, phone 360-236-3538, fax 360-236-4738, TTY 711, email WABONRules@doh.wa.gov.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: The proposed rules amend provider licensure requirements and do not affect businesses.

Scope of exemption for rule proposal:

Is fully exempt.

October 1, 2024
Alison Bradywood DNP, MN/MPH, RN, NEA-BC
Executive Director
Washington State Board of Nursing

OTS-5616.4

AMENDATORY SECTION (Amending WSR 22-17-144, filed 8/23/22, effective 9/23/22)

WAC 246-840-010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advanced clinical practice" means practicing at an advanced level of nursing in a clinical setting performing direct patient care.

(2) "Advanced nursing practice" means the delivery of nursing care at an advanced level of independent nursing practice that maximizes the use of graduate educational preparation, and in-depth nursing knowledge and expertise in such roles as autonomous clinical practitioner, professional and clinical leader, expert practitioner, and researcher.

(3) "Advanced registered nurse practitioner (ARNP)" is a registered nurse (RN) as defined in RCW 18.79.050, 18.79.240, 18.79.250, and 18.79.400 who has obtained formal graduate education and national specialty certification through a ((commission)) board approved certifying body in one or more of the designations described in WAC 246-840-302, and who is licensed as an ARNP as described in WAC 246-840-300. The designations include the following:

- (a) Nurse practitioner (NP);
- (b) Certified nurse midwife (CNM);
- (c) Certified registered nurse anesthetist (CRNA); and

(d) Clinical nurse specialist (CNS).

(4) "Associate degree registered nursing education program" means a nursing education program which, upon successful completion of course work, that includes general education and core nursing courses that provide a sound theoretical base combining clinical experiences with theory, nursing principles, critical thinking, and interactive skills, awards an associate degree in nursing (ADN) to prepare its graduates for initial licensure and entry level practice as an RN.

(5) "Bachelor of science degree registered nursing education program" means a nursing education program which, upon successful completion of course work taught in an associate degree nursing education program, as defined in subsection ~~((28))~~ (29) of this section, plus additional courses physical and social sciences, nursing research, public and community health, nursing management, care coordination, and the humanities, awards a bachelor of science in nursing (BSN) degree, to prepare its graduates for a broader scope of practice, enhances professional development, and provides the nurse with an understanding of the cultural, political, economic, and social issues that affect patients and influence health care delivery.

(6) "Board" means the Washington state board of nursing.

(7) "Certifying body" means a nongovernmental agency using predetermined standards of nursing practice to validate an individual nurse's qualifications, knowledge, and practice in a defined functional or clinical area of nursing.

~~((7))~~ (8) "Client advocate" means a licensed nurse who actively supports client's rights and choices, including the client's right to receive safe, high quality care, and who facilitates the client's ability to exercise those rights and choices by providing the client with adequate information about their care and options.

~~((8) "Commission" means the Washington state nursing care quality assurance commission.)~~

(9) "Competency" means demonstrated knowledge, skill and ability in the practice of nursing.

(10) "Conditional approval" is the approval given a nursing education program that has not met the requirements of the law and the rules of the ~~((commission))~~ board. Conditions are specified that must be met within a designated time to rectify the deficiency.

(11) "Dedicated education unit" means a clinical learning experience within a health care facility, as part of the curriculum of a nursing education program.

(12) "Delegation" means the licensed nurse transfers the performance of selected nursing tasks to competent individuals in selected situations. The nurse delegating the task is responsible and accountable for the nursing care of the client. The nurse delegating the task supervises the performance of the unlicensed person. Nurses must follow the delegation process following the RCW 18.79.260. Delegation in community and in-home care settings is defined by WAC 246-840-910 through 246-840-970.

(13) "Distance education" or "distance learning" means instruction offered by any means where the student and faculty are in separate physical locations. Teaching methods may be synchronous, where the teacher and student communicate at the same time, or asynchronous, where the student and teacher communicate at different times, and shall facilitate and evaluate learning in compliance with nursing education rules.

(14) "Full approval" of a nursing education program is the approval signifying that a nursing program meets the requirements of the law and the rules of the ~~((commission))~~ board.

(15) "Good cause" as used in WAC 246-840-860 for extension of a nurse technician registration means that the nurse technician has had undue hardship such as difficulty scheduling the examination through no fault of their own; receipt of the examination results after 30 days after the nurse technician's date of graduation; or an unexpected family crisis which caused him or her to delay sitting for the examination. Failure of the examination is not "good cause."

(16) "Good standing" as applied to a nursing technician, means the nursing technician is enrolled in a registered nursing program or licensed practical nursing program approved by the ~~((commission))~~ board and is successfully meeting all program requirements.

(17) "Graduate degree" means a master's or doctoral degree.

(18) "Health care professional" means the same as "health care provider" as defined in RCW 70.02.010(18).

~~((18))~~ (19) "Home state" is defined as where the nursing education program has legal domicile.

~~((19))~~ (20) "Host state" is defined as the state jurisdiction outside the home state where a student participates in clinical experiences or didactic courses.

~~((20))~~ (21) "Immediately available" as applied to nursing technicians, means that an RN who has agreed to act as supervisor is on the premises and is within audible range and available for immediate response as needed which may include the use of two-way communication devices which allow conversation between the nursing technician and an RN who has agreed to act as supervisor.

(a) In a hospital setting, the RN who has agreed to act as supervisor is on the same patient care unit as the nursing technician and the patient has been assessed by the RN prior to the delegation of duties to the nursing technician.

(b) In a nursing home or clinic setting, an RN who has agreed to act as supervisor is in the same building and on the same floor as the nursing technician and the patient has been assessed by the RN prior to the delegation of duties to the nursing technician.

~~((21))~~ (22) "Initial approval" of nursing education program is the approval status conferred by the ~~((commission))~~ board to a new nursing program based on its proposal prior to the graduation of its first class.

~~((22))~~ (23) "Licensed practical nurse (LPN)" is a nurse licensed as defined in RCW 18.79.030(3), with a scope of practice defined in RCW 18.79.020 and 18.79.060.

~~((23))~~ (24) "Limited educational authorization" is an authorization to perform clinical training when enrolled as a student through a ~~((commission))~~ board approved refresher course. This authorization does not permit practice for employment.

~~((24))~~ (25) "Minimum standards of competency" means the knowledge, skills, and abilities that are expected of the beginning practitioner.

~~((25))~~ (26) "National nursing education accreditation body" means an independent nonprofit entity, approved by the United States Department of Education as a body that evaluates and approves the quality of nursing education programs within the United States and territories.

~~((26))~~ (27) "Nontraditional program of nursing" means a school that has a curriculum which does not include a faculty supervised teaching and learning component in clinical settings.

~~((27))~~ (28) "Nursing education program administrator" is an individual who has the authority and responsibility for the administration of the nursing education program.

~~((28))~~ (29) "Nursing education program" means a division or department within a state supported educational institution or other institution of higher learning, charged with the responsibility of preparing nursing students and nurses to qualify for initial licensing or higher levels of nursing practice.

~~((29))~~ (30) "Nursing faculty" means an individual employed by a nursing education program who is responsible for developing, implementing, evaluating, updating, and teaching nursing education program curricula.

~~((30))~~ (31) "Nursing technician" means a nursing student preparing for RN or LPN licensure who meets the qualifications for registration under RCW 18.79.340 who is employed in a hospital licensed under chapter 70.41 RCW or a nursing home licensed under chapter 18.51 RCW, or clinic. Approved nursing education programs do not include nontraditional schools as defined in subsection ~~((26))~~ (27) of this section.

~~((31))~~ (32) "Philosophy" means the beliefs and principles upon which a nursing education program curriculum is based.

~~((32))~~ (33) "Practical nursing education program" means a nursing education program which, upon successful completion of course work that includes core nursing course to provide a sound theoretical base combining clinical experiences with nursing principles, critical thinking, and interactive skills for entry level practical nursing, awards a certificate or degree that the graduate is prepared for interdependent practice to prepare a practical nurse for interdependent practice as an LPN.

~~((33))~~ (34) "Registered nurse" or "RN" is a licensed nurse as defined in RCW 18.79.030(1), 18.79.040, 18.79.240, and 18.79.260.

~~((34))~~ (35) "Supervision" of licensed or unlicensed nursing personnel means the provision of guidance and evaluation for the accomplishment of a nursing task or activity with the initial direction of the task or activity; periodic inspection of the actual act of accomplishing the task or activity; and the authority to require corrective action.

(a) "Direct supervision" means the licensed RN who provides guidance to nursing personnel and evaluation of nursing tasks is on the premises, is quickly and easily available, and has assessed the patient prior to the delegation of the duties.

(b) "Immediate supervision" means the licensed RN who provides guidance to nursing personnel and evaluation of nursing tasks is on the premises, is within audible and visual range of the patient, and has assessed the patient prior to the delegation of duties.

(c) "Indirect supervision" means the licensed RN who provides guidance to nursing personnel and evaluation of nursing tasks is not on the premises but has given either written or oral instructions for the care and treatment of the patient and the patient has been assessed by the registered nurse prior to the delegation of duties.

~~((35))~~ (36) "Traditional nursing education program" means a program that has a curriculum which includes a faculty supervised teaching and learning component in clinical settings.

AMENDATORY SECTION (Amending WSR 19-08-031, filed 3/27/19, effective 4/27/19)

WAC 246-840-340 Initial ARNP requirements. (1) An applicant for licensure as an ARNP shall have the following qualifications:

(a) An active Washington state RN license, without sanctions or restrictions;

(b) A graduate degree from an advanced nursing education program accredited by a national nursing accreditation body recognized by the United States Department of Education;

(c) Certification from a certifying body as identified in WAC 246-840-302;

(d) Completion of advanced clinical practice hours, as defined in WAC 246-840-010(1) and in the role of an advanced practice nurse as defined in WAC 246-840-010(2), when applicable, in situations under subsection (3) of this section.

(2) An applicant for ARNP licensure shall submit:

(a) A completed ARNP application for licensure to the (~~commission~~) board;

(b) The license fee as specified in WAC 246-840-990;

(c) A request to the certifying body, as identified in WAC 246-840-302, to send official documentation of certification directly to the (~~commission~~) board;

(d) A request to the advanced nursing educational program to send an official transcript directly to the (~~commission~~) board showing courses, grades, degree or certificate granted, official seal, and appropriate registrar; and

(e) Program objectives and course descriptions when requested by the (~~commission~~) board.

(3) To be granted a license without meeting the advanced clinical practice requirements identified in subsection (4) of this section, the ARNP shall initiate the application process within one year of earning a graduate degree from an advanced nursing education program.

(4) An ARNP applicant who does not apply within one year of earning a graduate degree from an advanced nursing education program may be eligible to receive an ARNP interim permit for the purpose of completing (~~one hundred twenty-five~~) 125 hours of advanced clinical practice for every additional year following graduation, not to exceed (~~one thousand~~) 1,000 hours. The ARNP interim permit expires one year after the submission of the application.

(a) An ARNP applicant's clinical practice must be supervised by an ARNP under chapter 18.79 RCW, a physician licensed under chapter 18.71 RCW, an osteopathic physician licensed under chapter 18.57 RCW, or equivalent licensure in another state or United States jurisdiction. The ARNP interim permit holder must complete supervised advanced clinical practice as defined in subsections (4) and (5) of this section.

(b) The supervisor must be in the same practice specialty in which the applicant is seeking licensure. The supervising ARNP or physician:

(i) Shall have an active ARNP or physician license, for two or more years, without sanctions or restrictions;

(ii) Must not be a member of the applicant's immediate family, as defined in RCW 42.17A.005(27); or have a financial, business, or professional relationship that is in conflict with the proper discharge of the supervisor's duties to impartially supervise and evaluate the nurse;

(iii) Must not have current disciplinary action on their license;
 (iv) Shall submit documented evidence to the ~~((commission))~~ board verifying the applicant's successful completion of the required supervised clinical practice hours in an ARNP role.

(5) An ARNP applicant needing to complete supervised advanced clinical practice:

(a) Shall meet the requirements of subsection (1)(a) and (b) of this section;

(b) Shall indicate on the ARNP application the need for an interim permit; and

(c) Must obtain:

(i) ~~((commission))~~ Board approval of the supervising ARNP or physician; and

(ii) The interim permit.

(6) The nurse must use the designation interim ARNP at all times and on all documentation of the supervised clinical practice hours.

(7) An applicant holding an active RN license, without sanctions or restrictions; and current national certification as a CNS; and is practicing in Washington state in an advanced nursing role, will be exempt from the supervised practice requirement if they can provide evidence of ~~((two hundred fifty))~~ 250 hours of advanced clinical practice within the last two years.

AMENDATORY SECTION (Amending WSR 20-10-015, filed 4/24/20, effective 4/24/20)

WAC 246-840-342 Licensure for ARNP applicants by interstate endorsement. (1) An applicant for interstate endorsement for Washington state licensure as an ARNP shall meet the following requirements:

(a) Have an active RN and ARNP license, or recognition in another state or jurisdiction, as practicing in an advanced practice role, without sanctions or restrictions;

(b) Have a graduate degree from an advanced nursing education program as identified in WAC 246-840-340 (1)(b), unless the applicant has been practicing in another state, U.S. territory, or the District of Columbia (D.C.) as an ARNP and demonstrates that the following criteria have been met:

(i) Current advanced nursing practice, as defined in WAC 246-840-010(2), in the advanced role and population focus area;

(ii) National certification or recertification, in the advanced role and population focus area;

(iii) Compliance with the ARNP educational requirements of the board that were in effect at the time the ARNP completed their ARNP education program; and

(iv) Compliance with all other criteria for licensure set forth by the board; and

(c) Hold certification from a certifying body as identified in WAC 246-840-302(3).

(2) An applicant for an ARNP license through interstate endorsement shall:

(a) Apply for and be granted a Washington state RN license as identified in WAC 246-840-090;

(b) Submit a completed ARNP application for licensure to the ~~((commission))~~ board;

(c) Submit the license fee as specified in WAC 246-840-990;

(d) Request the certifying body, as identified in WAC 246-840-302, to send official documentation of certification directly to the (~~commission~~) board;

(e) Request the advanced nursing educational program to send an official transcript directly to the (~~commission~~) board showing courses, grades, degree or certificate granted, official seal and appropriate registrar; and

(f) Submit nursing education program objectives and course descriptions when requested by the (~~commission~~) board.