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**SENATE BILL 5547**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senators Robinson, Muzzall, Hasegawa, and Mullet

AN ACT Relating to transparency for nursing pools that provide health care personnel to hospitals and long-term care facilities; amending RCW 18.52C.030; reenacting and amending RCW 18.52C.020; and adding new sections to chapter 18.52C RCW.

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

**Sec.**  RCW 18.52C.020 and 2012 c 10 s 36 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adult family home" means a residential home licensed pursuant to chapter 70.128 RCW.

(2) "Assisted living facility" means an assisted living facility licensed under chapter 18.20 RCW.

(3) "Enhanced services facility" means an enhanced services facility licensed under chapter 70.97 RCW.

(4) "Health care facility" means a nursing home, hospital, hospice care facility, home health care agency, hospice agency, assisted living facility, group home, or other entity for the delivery of health care or long-term care services, including chore services provided under chapter 74.39A RCW.

((~~(3)~~)) (5) "Health care personnel" means a registered nurse or licensed practical nurse as defined in chapter 18.79 RCW, a surgical technologist registered under chapter 18.215 RCW, a diagnostic radiologic technologist or cardiovascular invasive specialist certified under chapter 18.84 RCW, a respiratory care practitioner licensed under chapter 18.89 RCW, or a nursing assistant-certified as defined in RCW 18.88A.020 who is a temporary employee or a referred independent contractor of a nursing pool.

(6) "Hospital" means a facility licensed under chapter 70.41 or 71.12 RCW.

(7) "Nursing home" means any nursing home facility licensed pursuant to chapter 18.52 RCW.

((~~(4)~~)) (8) "Nursing pool" means any person engaged in the business of providing, procuring, or referring health care or long-term care personnel for temporary employment in health care facilities, such as licensed nurses or practical nurses, nursing assistants, and chore service providers. "Nursing pool" does not include an individual who only engages in providing his or her own services. "Nursing pool" does not include a hospital, nursing home, assisted living facility, enhanced services facility, or an adult family home that provides temporary staffing to its own organization.

((~~(5)~~)) (9) "Person" includes an individual, firm, corporation, partnership, or association.

((~~(6)~~)) (10) "Secretary" means the secretary of the department of health.

**Sec.**  RCW 18.52C.030 and 1996 c 191 s 28 are each amended to read as follows:

(1) A person who operates a nursing pool shall register the pool with the secretary. Each separate location of the business of a nursing pool shall have a separate registration.

(2) In addition to the requirements in subsection (1) of this section, a person who operates a nursing pool that employs, procures, or refers health care personnel for temporary employment in a hospital, nursing home, assisted living facility, enhanced services facility, or an adult family home as defined in RCW 18.52C.020 shall:

(a) Register the pool with the secretary annually; and

(b) Disclose corporate structure and ownership, if any, which the secretary shall make publicly available, as part of the annual registration process.

(3) The secretary shall establish administrative procedures, administrative requirements, and fees as provided in RCW 43.70.250 and 43.70.280. All fees or assessments levied by the state to cover the costs associated with this section shall be borne by the persons who operate nursing pools.

NEW SECTION. **Sec.**  A new section is added to chapter 18.52C RCW to read as follows:

(1) Nursing pools operating in Washington state shall report to the secretary annually the following information, at a minimum, by county in which the health care personnel performed the work and by type of hospital, nursing home, assisted living facility, enhanced services facility, or adult family home:

(a) The average amount charged by the nursing pool for health care personnel by license type;

(b) The average amount paid by the nursing pool to health care personnel by license type;

(c) The average amount of labor-related costs paid by the nursing pool by health care personnel license type, such as payroll taxes, workers' compensation insurance, professional liability coverage, credentialing, and other employee-related costs;

(d) The number of placements made within 25 miles and 50 miles of the health care personnel's residence as identified in their employee tax information; and

(e) The total number of placements made by the nursing pool.

(2) The secretary shall produce an annual report to be made available on the department of health's website. The annual report shall include, at a minimum, the following information by county in which the health care personnel performed the work and by type of hospital, nursing home, assisted living facility, enhanced services facility, or adult family home:

(a) The average amount charged by nursing pools for health care personnel by license type;

(b) The average amount paid by the nursing pool to health care personnel by license type;

(c) The average amount of labor-related costs paid by the nursing pool by health care personnel license type, such as payroll taxes, workers' compensation insurance, professional liability coverage, credentialing, and other employee-related costs;

(d) The number of placements made within 25 miles and 50 miles of the health care personnel's residence as identified in their employee tax information; and

(e) The total number of placements made by each registered nursing pool.

NEW SECTION. **Sec.**  A new section is added to chapter 18.52C RCW to read as follows:

(1) This section applies to nursing pools that employ, procure, or refer health care personnel for temporary employment in nursing homes, assisted living facilities, enhanced services facilities, or adult family homes.

(2) The nursing pool shall ensure health care personnel meet the minimum licensing, certification, training, and health requirements and the continuing education standards for the health care personnel's position in the nursing home, assisted living facility, enhanced services facility, or adult family home and shall supply the appropriate documentation to the nursing home, assisted living facility, enhanced services facility, or adult family home.

(3) The nursing pool shall conduct a criminal background check, exclusion verification as required under 42 U.S.C. Sec. 1032a-7, and the requirements under RCW 43.43.842 for all health care personnel prior to employment, procurement, or referral of the health care personnel. The nursing pool shall provide the nursing home, assisted living facility, enhanced services facility, or adult family home with proof of applicable criminal records checks.

(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 shall 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 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 also provide, annually, to the secretary 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.

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