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**SECOND SUBSTITUTE SENATE BILL 5582**

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

**By** Senate Ways & Means (originally sponsored by Senators Holy, Randall, Rivers, Robinson, Dozier, King, Conway, Shewmake, Padden, Lovick, Gildon, Muzzall, Lovelett, Mullet, Nobles, Saldaña, Valdez, Van De Wege, Wellman, C. Wilson, and L. Wilson)

AN ACT Relating to reducing barriers and expanding educational opportunities to increase the supply of nurses in Washington; amending RCW 18.79.150 and 18.79.110; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28C.18 RCW; adding new sections to chapter 18.79 RCW; adding a new section to chapter 28A.700 RCW; creating new sections; and providing expiration dates.

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

NEW SECTION. **Sec.**  The legislature finds that nurses are essential to the operation of the state's health care system. Further, the legislature finds that the gap between demand for nurses and an available workforce continues to widen. Nursing professions continue to rank among the highest demand occupations in the state with the number of unfilled openings ranking near the top of all professional categories each month. The legislature finds that the need for nurses is particularly acute in rural hospital and clinical settings as well as long-term care facilities. Further, the legislature finds that there is a need to expand nursing credential opportunities through the expansion of existing postsecondary programs, the provision of adequate compensation for nurse educators, the creation of new and innovative approaches to health care credentials, the creation and expansion of proven pathways to health care careers within the K-12 system, and the streamlining of administrative requirements in the approval of new, high quality nursing education opportunities.

**I. EXPAND NURSING CREDENTIAL OPPORTUNITIES**

NEW SECTION. **Sec.**  (1) Subject to the availability of amounts appropriated for this specific purpose, the community and technical colleges shall develop a plan to train more nurses over the next four years. The state board shall consult with health care employers and exclusive bargaining representatives of nursing professions in development of the plan. The plan must place particular emphasis on training health professionals in key shortage areas, including rural communities. In designing a plan, the state board must prioritize expanding existing programs or creating new ones which:

(a) Create new capacity to train licensed practical nurses and registered nurses through apprenticeship programs, certificate programs, associates degrees in nursing, and baccalaureate degrees in nursing;

(b) Expand training opportunities for rural and underserved students;

(c) Demonstrate or are expected to demonstrate long-term sustainability; and

(d) Expand partnerships between employers and exclusive bargaining representatives through joint workforce development initiatives including apprenticeships.

(2) The state board for community and technical colleges shall submit a report, in accordance with RCW 43.01.036, to the appropriate committees of the legislature by December 1, 2024, with the details of the plan to increase capacity in nursing education programs.

(3) This section expires August 1, 2025.

NEW SECTION. **Sec.**  A new section is added to chapter 28B.50 RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the community and technical colleges shall design and implement an online curriculum and pathway to earn a licensed practical nursing credential. The college board shall select two colleges, one on either side of the crest of the Cascade mountains, to design and implement the online curriculum. The curriculum may include use of a mobile skills lab or other innovative approaches to ensure access to training opportunities for rural students.

NEW SECTION. **Sec.**  (1) The home care aide to licensed practical nurse apprenticeship pathway pilot program is created. The workforce training and education coordinating board and the nursing care quality assurance commission shall jointly administer the pilot program in consultation with the department of labor and industries. The pilot program must be located in three geographically disparate sites during the 2023-2025 fiscal biennium. The workforce training and education coordinating board, along with the nursing care quality assurance commission, and the department of labor and industries shall submit a report, in accordance with RCW 43.01.036, to the appropriate committees of the legislature by August 1, 2025, of the status of the pilot program and policy options to scale up the licensed practical nurse apprenticeship pathway pilot program statewide. The report must examine any barriers faced by current and prospective participants in the pilot program including, but not limited to, the academic preparation needs of home care aides selected for participation in the pilot program and the availability of enrollment spots in nursing educational programs for qualified applicants.

(2) This section expires August 1, 2025.

NEW SECTION. **Sec.**  A new section is added to chapter 28C.18 RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the workforce training and education coordinating board shall contract with a firm that has expertise in public relations and marketing to develop and execute a marketing plan about available training opportunities and jobs for certified nursing assistants, personal care aides, licensed practical nurses, licensed vocational nurses, and related nursing professions. The marketing plan must include targeted outreach to serve workforce needs in rural and underserved communities as well as long-term care facilities. Marketing materials containing information about educational and training opportunities should include both postsecondary degree and credential opportunities as well as apprenticeships and training opportunities provided as partnerships between employers and exclusive bargaining representatives.

NEW SECTION. **Sec.**  (1) The office of financial management shall contract with a firm that has expertise in human resources consulting and health care to conduct a salary survey on nurse educator compensation. The salary survey must benchmark both the 50th and 75th percentile of compensation for similarly credentialed nurse educators in the state. The office of financial management must report the results of the salary survey, in accordance with RCW 43.01.036, to the appropriate committees of the legislature by December 1, 2024.

(2) This section expires August 1, 2025.

**II. ELIMINATE BOTTLENECKS IN NURSE TRAINING**

**Sec.**  RCW 18.79.150 and 1994 sp.s. c 9 s 415 are each amended to read as follows:

An institution desiring to conduct a school of registered nursing or a school or program of practical nursing, or both, shall apply to the commission and submit evidence satisfactory to the commission that:

(1) It is prepared to carry out the curriculum approved by the commission for basic registered nursing or practical nursing, or both; and

(2) It is prepared to meet other standards established by law and by the commission.

The commission shall make, or cause to be made, such surveys of the schools and programs, and of institutions and agencies to be used by the schools and programs, as it determines are necessary. If in the opinion of the commission, the requirements for an approved school of registered nursing or a school or program of practical nursing, or both, are met, the commission shall approve the school or program. The nursing commission may grant approval to baccalaureate nursing education programs where the nurse administrator holds a graduate degree with a major in nursing and has sufficient experience as a registered nurse but does not hold a doctoral degree.

**Sec.**  RCW 18.79.110 and 2013 c 229 s 1 are each amended to read as follows:

(1) The commission shall keep a record of all of its proceedings and make such reports to the governor as may be required. The commission shall define by rules what constitutes specialized and advanced levels of nursing practice as recognized by the medical and nursing profession. The commission may adopt rules or issue advisory opinions in response to questions put to it by professional health associations, nursing practitioners, and consumers in this state concerning the authority of various categories of nursing practitioners to perform particular acts.

(2) The commission shall approve curricula and shall establish criteria for minimum standards for schools preparing persons for licensing as registered nurses, advanced registered nurse practitioners, and licensed practical nurses under this chapter. The commission shall approve such schools of nursing as meet the requirements of this chapter and the commission, and the commission shall approve establishment of basic nursing education programs and shall establish criteria as to the need for and the size of a program and the type of program and the geographical location. The commission shall establish criteria for proof of reasonable currency of knowledge and skill as a basis for safe practice after three years' inactive or lapsed status. The commission shall establish criteria for licensing by endorsement. The commission shall determine examination requirements for applicants for licensing as registered nurses, advanced registered nurse practitioners, and licensed practical nurses under this chapter, and shall certify to the secretary for licensing duly qualified applicants. The commission shall adopt rules which allow for one hour of simulated learning to be counted as equivalent to two hours of clinical placement learning, with simulated learning accounting for up to a maximum of 50 percent of the required clinical hours.

(3) The commission shall adopt rules on continuing competency. The rules must include exemptions from the continuing competency requirements for registered nurses seeking advanced nursing degrees. Nothing in this subsection prohibits the commission from providing additional exemptions for any person credentialed under this chapter who is enrolled in an advanced education program.

(4) The commission shall adopt such rules under chapter 34.05 RCW as are necessary to fulfill the purposes of this chapter.

(5) The commission is the successor in interest of the board of nursing and the board of practical nursing. All contracts, undertakings, agreements, rules, regulations, decisions, orders, and policies of the former board of nursing or the board of practical nursing continue in full force and effect under the commission until the commission amends or rescinds those rules, regulations, decisions, orders, or policies.

(6) The members of the commission are immune from suit in an action, civil or criminal, based on its disciplinary proceedings or other official acts performed in good faith as members of the commission.

(7) Whenever the workload of the commission requires, the commission may request that the secretary appoint pro tempore members of the commission. When serving, pro tempore members of the commission have all of the powers, duties, and immunities, and are entitled to all of the emoluments, including travel expenses, of regularly appointed members of the commission.

NEW SECTION. **Sec.**  A new section is added to chapter 18.79 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the legislature intends to expand the student nurse preceptor grant program to help reduce the shortage of health care training settings for students and increase the numbers of nurses in the workforce.

(2)(a) The grant program shall provide incentive pay for individuals serving as clinical supervisors to nursing candidates with a focus on acute shortage areas including those in rural and underserved communities and long-term care facilities. The desired outcomes of the grant program include increased clinical opportunities for nursing students. In part, increased clinical opportunities shall be achieved through reducing the required number of qualifying hours of precepting clinical instruction per student from 100 to 80. The commission shall consult with collective bargaining representatives of nurses who serve as clinical supervisors in the development of the grant program.

(b) The commission shall submit a report, in accordance with RCW 43.01.036, to the office of financial management and the appropriate committees of the legislature by September 30, 2025, on the outcomes of the grant program. The report must include:

(i) A description of the mechanism for incentivizing supervisor pay and other strategies;

(ii) The number of supervisors that received bonus pay and the number of sites used;

(iii) The number of students that received supervision at each site;

(iv) The number of supervision hours provided at each site;

(v) Initial reporting on the number of students who received supervision through the programs that moved into a permanent position with the program at the end of their supervision; and

(vi) Recommendations to scale up the program or otherwise recruit nurse preceptors in shortage areas.

**III. GROW K-12 PATHWAYS INTO HEALTH CARE CREDENTIALS**

NEW SECTION. **Sec.**  A new section is added to chapter 28A.700 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall establish and administer a grant program for the purpose of supporting high school career and technical education programs in starting or expanding offerings in health science programs.

(2) Grants must be awarded through a competitive grant process administered by the office of the superintendent of public instruction. In developing award criteria, the office of the superintendent of public instruction must consult with the workforce training and education coordinating board and the Washington state apprenticeship and training council.

(3) Grant funds may be allocated on a one-time or ongoing basis dependent on the needs of the program and may be used to purchase or improve curriculum, add additional staff, upgrade technology and equipment to meet industry standards, and for other purposes intended to initiate a new health science program or improve the rigor and quality of an existing health science program. Priority must be given to grant applications that include partnerships between employers and exclusive bargaining representatives as sponsors or cosponsors.

(4) Programs receiving funds under this section must meet the minimum criteria for preparatory secondary career and technical education programs under RCW 28A.700.030.

NEW SECTION. **Sec.**  A new section is added to chapter 18.79 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission, in collaboration with rural hospitals, relevant employer and exclusive bargaining unit partnerships, nursing assistant-certified training programs, the department of health, and the department of labor and industries, shall establish at least two pilot projects for rural hospitals to utilize high school students who are training to become nursing assistant-certified or high school students who are nursing assistant-certified to help address the workforce shortages and promote nursing careers in rural hospitals. As part of the program, students must receive information about related careers and educational and training opportunities including certified medical assistants, licensed practical nurses, and registered nurses.

(2) At least one of the rural hospitals participating in the pilot projects must be east of the crest of the Cascade mountains and at least one of the rural hospitals participating in the pilot projects must be west of the crest of the Cascade mountains.

(3) The pilot projects shall prioritize using the nursing assistant-certified high school students to their full scope of practice and identify any barriers to doing this.

(4) The commission may contract with an employer and exclusive bargaining unit partnership, nursing consultant, and health services consultant to assist with establishing and supporting the pilot project, including identifying participants, coordinating with the groups and agencies as referenced in subsection (1) of this section and other stakeholders, and preparing reports to the legislature.

(5) The commission shall submit a report, in accordance with RCW 43.01.036, to the health care committees of the legislature by December 1, 2024, and December 1, 2025, with the status of the pilot projects and any findings and recommendations.

(6) This section expires July 1, 2026.

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