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## Health Care & Wellness Committee

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### HB 1255

**Brief Description:** Reducing stigma and incentivizing health care professionals to participate in a substance use disorder monitoring and treatment program.

**Sponsors:** Representatives Simmons, Harris, Peterson, Reed, Riccelli, Macri, Bateman and Doglio.

#### Brief Summary of Bill

- Prohibits the Department of Health and Nursing Care Quality Assurance Commission (Nursing Commission) from posting information on a public website regarding an enforcement action taken against an individual licensed by the Nursing Commission if the individual has successfully completed the terms of an agreement or order requiring the individual to contact and/or participate in an approved substance use disorder monitoring program.
- Requires the Nursing Commission to establish a stipend program to defray the costs associated with participating in the Nursing Commission's approved substance use disorder monitoring program.

**Hearing Date:** 1/24/23

**Staff:** Emily Poole (786-7106).

#### **Background:**

##### The Uniform Disciplinary Act.

The Uniform Disciplinary Act (UDA) provides a legal and policy framework for the regulation and oversight of health care providers by the relevant disciplining authorities for each health care profession. Under the UDA, upon a finding that a license holder has committed unprofessional

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conduct or is unable to practice with reasonable skill and safety due to a physical or mental condition, the disciplining authority must prepare and serve findings of fact and an order, which must include sanctions adopted in accordance with certain requirements.

Alternatively, prior to a disciplining authority serving a statement of charges, the disciplining authority and license holder may agree to disposition of the charges by means of a stipulation to informal resolution of the allegations. Certain sanctions may be imposed as part of the stipulation, but a stipulation is not considered formal disciplinary action.

#### Washington Health Professional Services.

The Nursing Care Quality Assurance Commission (Nursing Commission) is the disciplining authority for the nursing professions, including registered nurses, advanced registered nurse practitioners, and licensed practical nurses. If the Nursing Commission determines that alleged unprofessional conduct may be the result of an applicable impairing or potentially impairing health condition, the Nursing Commission may refer the license holder to a voluntary substance use disorder monitoring program approved by the Nursing Commission.

Washington Health Professional Services (WHPS) is the Nursing Commission's approved substance use disorder monitoring program. The Nursing Commission may refer license holders to WHPS as either an alternative to or in connection with disciplinary actions. Referral to WHPS may only be done with the consent of the license holder, and it may include probationary conditions for a designated period of time. If the license holder does not consent to be referred to the program or does not successfully complete the program, the Nursing Commission may take appropriate disciplinary action, including suspension of the license, unless or until the Nursing Commission, in consultation with the director of WHPS, determines the license holder is able to practice safely.

The cost of evaluation and treatment is the responsibility of the license holder, but the responsibility does not preclude payment by an employer, existing insurance coverage, or other sources.

#### Public Records.

Disciplining authorities are required to report statements of charges and final orders associated with enforcement actions to the public, and the documents are considered public records under the Public Records Act. If a disciplining authority and license holder agree to a stipulation for informal resolution of the allegations, the complaint is deemed disposed of and is subject to public disclosure on the same basis and to the same extent as other records of the disciplining authority.

The Department of Health and the Nursing Commission make certain records concerning licensure and discipline available to the public through certain state and national databases.

The treatment and pre-treatment records of a license holder that participates in the WHPS program are confidential and exempt from public disclosure.

## **Summary of Bill:**

### Posting of Information Related to Enforcement Actions.

The Department of Health and the Nursing Commission are prohibited from posting information regarding an enforcement action taken against a registered nurse, advanced registered nurse practitioner, or licensed practical nurse on any public website, including any supporting documents or indication that the enforcement action was taken, when the following conditions are met:

- in connection with the enforcement action, the license holder has been required by an order or agreement with the Nursing Commission to contact WHPS, and if recommended by the program, to contract with and participate in WHPS;
- the Nursing Commission has found that the license holder has substantially complied with the terms of the order or agreement; and
- if the website is a third-party website, the Department of Health or Nursing Commission has the ability to prevent information regarding the enforcement action from being posted on the public website.

### Stipend Program.

By July 1, 2024, the Nursing Commission is required to establish a stipend program to defray the out-of-pocket expenses incurred in connection with a license holder's participation in WHPS.

To be eligible for the stipend program, an individual must:

- hold an active, inactive, or suspended license as a registered nurse, advanced registered nurse practitioner, or licensed practical nurse;
- submit an application;
- be actively participating in WHPS or have completed WHPS within six months of submission of an application for the stipend program; and
- have a demonstrated need for financial assistance with the expenses incurred in connection with participation in WHPS.

Expenses eligible for reimbursement include the costs of substance use evaluation, treatment, and other ancillary services, including drug testing, participation in professional peer support groups, and any other expenses deemed appropriate by the Nursing Commission.

**Appropriation:** None.

**Fiscal Note:** Requested on January 17, 2023

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.