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## Health Care & Wellness Committee

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### SSB 5547

**Brief Description:** Concerning nursing pool transparency.

**Sponsors:** Senate Committee on Health & Long Term Care (originally sponsored by Senators Robinson, Muzzall, Hasegawa and Mullet).

#### Brief Summary of Substitute Bill

- Requires nursing pool operators to complete an annual registration with the Department of Health (Department), and disclose corporate structure and ownership, if any.
- Establishes annual reporting requirements for certain nursing pools and requires the Department to produce an annual report including the aggregated submitted information.
- Establishes additional requirements relating to nursing pool contracts.

**Hearing Date:** 3/21/23

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

#### **Background:**

Nursing pools are individuals 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.

#### Registration.

A person who operates a nursing pool is required to register the pool with the Department of Health (Department), and each separate location of the business of a nursing pool must have a separate registration. The Department is required to establish administrative procedures,

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administrative requirements, and associated fees. The issuance and denial of registration and the discipline of nursing pools are governed by the Uniform Disciplinary Act. State agencies may not permit reimbursement for the use of temporary health care personnel from nursing pools that are not registered unless the individuals are directly retained by a health care facility.

#### Required Documentation.

A nursing pool is required to document that each temporary employee or referred independent contractor provided to health care facilities meets the applicable minimum credentialing requirements.

#### Background Checks.

A nursing pool is required to conduct a criminal background check on all employees and independent contractors prior to employment or referral, pursuant to requirements adopted by the Department and by the Department of Social and Health Services regarding individuals who provide care and treatment to vulnerable adults.

### **Summary of Bill:**

#### Registration.

A person who operates a nursing pool that employs, procures, or refers health care or long-term care personnel for temporary employment in a hospital, nursing home, assisted living facility, enhanced services facility, or an adult family home is required to register the pool with the Department annually and disclose corporate structure and ownership, if any, which the Department must make publicly available.

The individuals who operate nursing pools are responsible for all fees or assessments levied by the state to cover costs associated with registration requirements.

#### Nursing Pool Reporting Requirements.

Nursing pools are required to report to the Department annually the following information, by county in which the health care or long-term care personnel performed the work, and by the type of hospital, nursing home, assisted living facility, enhanced services facility, or adult family home:

- the average amount charged by the nursing pool for health care or long-term care personnel by license type;
- the average amount paid by the nursing pool to health care or long-term care personnel by license type;
- the average amount of labor-related costs paid by the nursing pool by health care or long-term care personnel by license type;
- the number of placements made within 25 miles and 50 miles of the health care or long-term care personnel's residence; and
- the total number of placements made by the nursing pool.

The Department is required to produce an annual report that includes the above information in

the aggregate, to be made available on the Department's website.

Nursing pools must also provide to the Department annually 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.

Required Documentation.

A nursing pool is required to document that each health care or long-term care personnel provided to health care facilities meets the applicable minimum credentialing requirements, which are specified to include licensure, certification, training, health requirements, and continuing education standards, for the health care or long-term care personnel's position in the health care facility.

Background Checks.

A nursing pool is required to conduct a background check on all health care and long-term care personnel, including as required by law for long-term care workers. A nursing pool must also conduct an exclusion verification, as required under federal law, to confirm if an individual is prohibited from participating in a federally funded health care program.

Additional Requirements.

A nursing pool is required to provide a nursing home, assisted living facility, enhanced services facility, or adult family home written notice of contract changes, including but not limited to, availability or charges for services, items, or activities, at least 90 days in advance.

A nursing pool may 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 or long-term care personnel are hired as permanent employees by the nursing home, assisted living facility, enhanced services facility, or adult family home.

"Health care personnel" means a registered nurse, licensed practical nurse, surgical technologist, diagnostic radiologic technologist, cardiovascular invasive specialist, respiratory care practitioner, or a nursing assistant-certified who is a temporary employee or a referred independent contractor of a nursing pool.

"Long-term care workers" means all individuals who provide paid, hands-on personal care services for the elderly or persons with disabilities, including individual providers of home care services, direct care workers employed by home care agencies or a consumer directed employer, and providers of home care services to persons with developmental disabilities.

**Appropriation:** None.

**Fiscal Note:** Available.

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