

SENATE BILL REPORT

SHB 1255

As Passed Senate, April 6, 2023

Title: An act relating to reducing stigma and incentivizing health care professionals licensed by the Washington state nursing care quality assurance commission to participate in a substance use disorder monitoring and treatment program.

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

Sponsors: House Committee on Health Care & Wellness (originally sponsored by Representatives Simmons, Harris, Peterson, Reed, Riccelli, Macri, Bateman and Doglio).

Brief History: Passed House: 3/6/23, 60-35.

Committee Activity: Health & Long Term Care: 3/23/23, 3/28/23 [DP, DNP].

Floor Activity: Passed Senate: 4/6/23, 40-7.

Brief Summary of Bill

- Establishes guidelines for the Nursing Care Quality Assurance Commission (Nursing Commission) and the Department of Health for dispersal of enforcement action information related to participation in a substance use disorder monitoring program.
- Requires the Nursing Commission to establish a stipend program in connection with participation in an approved substance use disorder monitoring program.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Majority Report: Do pass.

Signed by Senators Cleveland, Chair; Robinson, Vice Chair; Rivers, Ranking Member; Muzzall, Assistant Ranking Member; Conway, Dhingra, Holy, Randall and Van De Wege.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Minority Report: Do not pass.
Signed by Senator Padden.

Staff: Megan Tudor (786-7478)

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, if a license holder is found to have engaged in unprofessional conduct or cannot practice with reasonable skill and safety due to a physical or mental condition, the disciplining authority must prepare and report the charges.

Alternatively, prior to a disciplining authority serving a statement of charges, the disciplining authority and license holder may agree to an informal resolution of the allegations.

Washington Health Professional Services. The Nursing Care Quality Assurance Commission (Nursing Commission) is the disciplining authority for the nursing professions. 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.

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 an 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.

Summary of Bill: Posting of Information Related to Enforcement Actions. The Department of Health (DOH) and the Nursing Commission cannot post information regarding an enforcement action taken against a license holder including supporting documents or indication that the enforcement action was taken, when the following specific conditions are met:

- when the person has been required by an order or agreement with the Nursing Commission to contact a commission-approved substance use disorder monitoring program and if recommended by the program, to contract with and participate in the program in connection with enforcement action;
- the Nursing Commission finds the person has substantially complied with the terms

- of the order or agreement; and
- DOH or the Nursing Commission has the ability to prevent information regarding the enforcement action from being posted on a public third-party website.

Stipend Program. By July 1, 2024, the Nursing Commission is required to establish a stipend program to pay for out-of-pocket costs connected with a license holder's participation in WHPS. The stipend program's eligibility requirements include holding an active, inactive, or suspended license, submitting an application, actively participating in or completion of WHPS within six months of submitting an application, and a demonstrated need for financial assistance with costs from participation in WHPS. A license holder is not eligible for the stipend program if they have previously applied for and participated in the stipend program.

The Nursing Commission must provide certain information on its website regarding the stipend program, including the total number of participants, the amount of expenses paid for under the program, and the amount of funds available.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Substance use disorder monitoring and treatment programs are an alternative for nurses losing their license so they may go back to nursing. If an individual has a criminal record, they cannot go back to nursing. This is a difficult program to participate in and complete. This bill will incentivize participation in the program by assisting with some of the out-of-pocket costs associated with testing and treatment.

The Nursing Care Quality Assurance Commission supports the concept of the bill because it is important to reduce stigma and give more nurses the opportunity to stay employed in providing quality, safe care for Washington residents. Currently, many nurses with substance use issues lose their jobs and cannot afford to participate in Washington Health Professional Services (WHPS). There are 241 nurses participating in WHPS at this time. The national average estimates 12-14% of the general population have a substance use disorder, there are potentially many nurses in Washington that should be participating in the program. The total price for a 5-year contract can cost around \$44,000 with higher treatment needs and \$22,000 for minimal treatment needs. When nurses are faced with losing their license, they carry shame for what they have done. When their information is posted publicly, many times they choose not to seek help.

OTHER: Treatment and psychotherapy is expensive and many times insurance companies do not necessarily want to cover the costs. If a nurse cannot find a job during this time, what are they supposed to do. Whatever can be put in place for nurses and others to actually participate in and graduate from the program, however they can be helped, should be done. These are not moral issues, it is a diagnostic issue.

Persons Testifying: PRO: Representative Tarra Simmons, Prime Sponsor; Allison Wood; Grant Hulteen, Nursing Care Quality Assurance Commission; Alicia Payne, Nursing Care Quality Assurance Commission; Helen Myrick, NCQAC; Justin Vail.

OTHER: Jean Sullivan.

Persons Signed In To Testify But Not Testifying: No one.