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ENGROSSED 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)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to reducing barriers and expanding educational  
2 opportunities to increase the supply of nurses in Washington;  
3 amending RCW 18.79.150 and 18.79.110; adding a new section to chapter  
4 28B.50 RCW; adding a new section to chapter 28C.18 RCW; adding new  
5 sections to chapter 18.79 RCW; adding a new section to chapter  
6 28A.700 RCW; creating new sections; and providing expiration dates.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that nurses are  
9 essential to the operation of the state's health care system.  
10 Further, the legislature finds that the gap between demand for nurses  
11 and an available workforce continues to widen. Nursing professions  
12 continue to rank among the highest demand occupations in the state  
13 with the number of unfilled openings ranking near the top of all  
14 professional categories each month. The legislature finds that the  
15 need for nurses is particularly acute in rural hospital and clinical  
16 settings as well as long-term care facilities. Further, the  
17 legislature finds that there is a need to expand nursing credential  
18 opportunities through the expansion of existing postsecondary  
19 programs, the provision of adequate compensation for nurse educators,  
20 the creation of new and innovative approaches to health care  
21 credentials, the creation and expansion of proven pathways to health

1 care careers within the K-12 system, and the streamlining of  
2 administrative requirements in the approval of new, high quality  
3 nursing education opportunities.

4 **I. EXPAND NURSING CREDENTIAL OPPORTUNITIES**

5 NEW SECTION. **Sec. 2.** (1) Subject to the availability of amounts  
6 appropriated for this specific purpose, the community and technical  
7 colleges shall develop a plan to train more nurses over the next four  
8 years. The state board shall consult with health care employers,  
9 local workforce development councils, and exclusive bargaining  
10 representatives of nursing professions in development of the plan.  
11 The plan must place particular emphasis on training health  
12 professionals in key shortage areas, including rural communities. In  
13 designing a plan, the state board must prioritize expanding existing  
14 programs or creating new ones which:

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

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

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

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

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

30 (3) This section expires August 1, 2025.

31 NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.50  
32 RCW to read as follows:

33 Subject to the availability of amounts appropriated for this  
34 specific purpose, the community and technical colleges shall design  
35 and implement an online curriculum and pathway to earn a licensed  
36 practical nursing credential. The college board shall select two  
37 colleges, one on either side of the crest of the Cascade mountains,

1 to design and implement the online curriculum. The curriculum may  
2 include use of a mobile skills lab or other innovative approaches to  
3 ensure access to training opportunities for rural students.

4 NEW SECTION. **Sec. 4.** (1) The home care aide to licensed  
5 practical nurse apprenticeship pathway pilot program is created. The  
6 workforce training and education coordinating board and the nursing  
7 care quality assurance commission shall jointly administer the pilot  
8 program in consultation with the department of labor and industries.  
9 The pilot program must be located in three geographically disparate  
10 sites during the 2023-2025 fiscal biennium. The workforce training  
11 and education coordinating board, along with the nursing care quality  
12 assurance commission, and the department of labor and industries  
13 shall submit a report, in accordance with RCW 43.01.036, to the  
14 appropriate committees of the legislature by August 1, 2025, of the  
15 status of the pilot program and policy options to scale up the  
16 licensed practical nurse apprenticeship pathway pilot program  
17 statewide. The report must examine any barriers faced by current and  
18 prospective participants in the pilot program including, but not  
19 limited to, the academic preparation needs of home care aides  
20 selected for participation in the pilot program and the availability  
21 of enrollment spots in nursing educational programs for qualified  
22 applicants.

23 (2) This section expires August 1, 2025.

24 NEW SECTION. **Sec. 5.** A new section is added to chapter 28C.18  
25 RCW to read as follows:

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

1 opportunities provided as partnerships between employers and  
2 exclusive bargaining representatives.

3 NEW SECTION. **Sec. 6.** (1) The state board for community and  
4 technical colleges shall contract with a firm that has expertise in  
5 human resources consulting and health care to conduct a salary survey  
6 on nurse educator compensation. The salary survey must benchmark both  
7 the 50th and 75th percentile of compensation for similarly  
8 credentialed nurse educators in the state. The state board for  
9 community and technical colleges must report the results of the  
10 salary survey, in accordance with RCW 43.01.036, to the appropriate  
11 committees of the legislature by December 1, 2024.

12 (2) This section expires August 1, 2025.

13 **II. ELIMINATE BOTTLENECKS IN NURSE TRAINING**

14 **Sec. 7.** RCW 18.79.150 and 1994 sp.s. c 9 s 415 are each amended  
15 to read as follows:

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

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

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

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

35 **Sec. 8.** RCW 18.79.110 and 2013 c 229 s 1 are each amended to  
36 read as follows:

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

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

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

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

39 (5) The commission is the successor in interest of the board of  
40 nursing and the board of practical nursing. All contracts,

1 undertakings, agreements, rules, regulations, decisions, orders, and  
2 policies of the former board of nursing or the board of practical  
3 nursing continue in full force and effect under the commission until  
4 the commission amends or rescinds those rules, regulations,  
5 decisions, orders, or policies.

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

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

16 NEW SECTION. **Sec. 9.** A new section is added to chapter 18.79  
17 RCW to read as follows:

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

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

34 (b) The commission shall submit a report, in accordance with RCW  
35 43.01.036, to the office of financial management and the appropriate  
36 committees of the legislature by September 30, 2025, on the outcomes  
37 of the grant program. The report must include:

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

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

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

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

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

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

### 11 III. GROW K-12 PATHWAYS INTO HEALTH CARE CREDENTIALS

12 NEW SECTION. **Sec. 10.** A new section is added to chapter 28A.700  
13 RCW to read as follows:

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

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

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

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

1        NEW SECTION.    **Sec. 11.**    A new section is added to chapter 18.79

2    RCW to read as follows:

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

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

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

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

29        (5) The commission shall submit a report, in accordance with RCW  
30   43.01.036, to the health care committees of the legislature by  
31   December 1, 2024, and December 1, 2025, with the status of the pilot  
32   projects and any findings and recommendations.

33        (6) This section expires July 1, 2026.

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