Washington State
House of Representatives
Office of Program Research

BILL ANALYSIS

Health Care & Wellness Committee

HB 2340

Brief Description: Applying substance use disorder monitoring program provisions to nursing assistants.

Sponsors: Representative Simmons.

Brief Summary of Bill

- Prohibits the Department of Health and the Board of Nursing from posting information on a public website regarding an enforcement action taken against a nursing assistant, if the nursing assistant has successfully completed the terms of an agreement or order requiring the individual to contact or participate in an approved substance use disorder monitoring program.
- Adds nursing assistants to the types of licenses eligible for Board of Nursing stipends to defray the costs associated with participating in a substance use disorder monitoring program.

Hearing Date: 1/27/26

Staff: Kim Weidenaar (786-7120).

Background:

The Uniform Disciplinary Act.
The Uniform Disciplinary Act (UDA) provides a 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 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

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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 Secretary of Health (Secretary) is the disciplining authority for nursing assistants. If the Secretary determines that alleged unprofessional conduct may be the result of an applicable impairing or potentially impairing health condition, the Secretary may refer the license holder to a voluntary substance use disorder (SUD) monitoring program approved by the Board of Nursing (Board). The Compassion, Accountability, Recovery, Empowerment and Safety Program (CARES) previously known as the Washington Health Professional Services (WHPS) is the Board's approved SUD monitoring program. The Board may refer license holders to CARES as either an alternative to or in connection with disciplinary actions. Referral to CARES 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 disciplining authority may take appropriate disciplinary action, including suspension of the license, unless or until the disciplining authority, in consultation with the director of CARES, 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.

Posting of Information Related to Enforcement Actions.
The Department of Health (DOH) and the Board 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:

- the license holder, in connection with the enforcement action, has been required by an order or agreement with the Board to contact CARES, and if recommended by CARES, to contract with and participate in CARES;
- the Board 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 DOH or Board has the ability to prevent information regarding the enforcement action from being posted on the public website.

Stipend Program.
By July 1, 2024, the Board was 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 or have completed a CARES program 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 CARES.

A person is not eligible for the stipend program if they have previously applied for and participated in the stipend program. The Board may defray up to 80 percent of each out-of-pocket expense deemed eligible for defrayment. 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 Board. The Board must provide certain information on its website regarding the stipend program, including the number of participants, the amount of expenses defrayed under the stipend program, and the amount of funds available.

Summary of Bill:

Posting of Information Related to Enforcement Actions.
The prohibition on the DOH and Board from posting enforcement action information in cases in which the licensee was required by order or agreement to contact an SUD monitoring program, and the licensee complied with the terms of the order or agreement is expanded to include nursing assistants.

Stipend Program.
Nursing assistants are added to the licenses eligible for the Board's stipends to defray the costs associated with participating in a substance use disorder monitoring program.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on July 1, 2026.