FINAL BILL REPORT
HB 2340

C 59 L 26
Synopsis as Enacted

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

Sponsors: Representative Simmons.

House Committee on Health Care & Wellness
Senate Committee on Health & Long-Term Care

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 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.

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 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

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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; and
- the Board has found that the license holder has substantially complied with the terms of the order or agreement.

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 CARES. 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 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:

Posting of Information Related to Enforcement Actions.
The DOH and the Board may not post enforcement action information online if a nursing assistant was required by order or agreement to contact or participate in an SUD monitoring program, and the nursing assistant complied with the terms of the order or agreement.

Stipend Program.
Nursing assistants are added to the types of licenses eligible for the Board's stipends to defray the costs associated with participating in an SUD monitoring program.

Votes on Final Passage:

House	92	3
Senate	46	2

Effective: July 1, 2026