HOUSE BILL REPORT
HB 2340

As Passed Legislature

Title: An act relating to the application of substance use disorder monitoring program provisions to nursing assistants.

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

Sponsors: Representative Simmons.

Brief History:

Committee Activity:

Health Care & Wellness: 1/27/26, 1/30/26 [DP].

Floor Activity:

Passed House: 2/10/26, 92-3.
Passed Senate: 3/4/26, 46-2.
Passed Legislature.

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 the Board of Nursing stipends to defray the costs associated with participating in a substance use disorder monitoring program.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

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.

Majority Report: Do pass. Signed by 17 members: Representatives Bronoske, Chair; Lekanoff, Vice Chair; Rule, Vice Chair; Schmick, Ranking Minority Member; Marshall, Assistant Ranking Minority Member; Valdez, Assistant Ranking Minority Member; Davis, Engell, Macri, Manjarrez, Obras, Parshley, Shavers, Simmons, Stonier, Stuebe and Thai.

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 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. Certain sanctions may be imposed as part of the stipulation, but a stipulation is not considered a 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 the 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 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 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 DOH and the Board may not post enforcement action information online if a nursing assistant was required by order or agreement to contact 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 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.

Staff Summary of Public Testimony:

(In support) This is a very simple bill. A few years ago, a bill passed by the Legislature created a stipend program for nurses that were utilizing what used to be called the Washington Health Professional Services Program, which is now called the Compassion, Accountability, Recovery, Empowerment and Safety Program or CARES. The program helps health professionals suffering with substance use disorder to keep their license and continue to work with extensive monitoring.

This bill aims to ensure that nursing assistants have equitable access to financial support for substance use treatment and to reduce stigma after they successfully complete the program. The bill addresses affordability, which is a major obstacle to participating in the program by extending stipend program eligibility to nursing assistants. Substance use monitoring often requires frequent evaluations, treatment, drug testing, and peer support, all of which can be costly. These costs can be prohibitive for individuals who may already be facing reduced income, inactive or suspended credentials, or employment disruptions.

The bill also reduces stigma by limiting public posting of enforcement actions when a nursing assistant has substantially complied with all program requirements. Substance use disorder is a treatable health condition, yet public disclosure of past enforcement actions, especially when someone is actively engaged in recovery, can discourage individuals from seeking help early. This bill shifts the focus from punishment and shame to accountability and rehabilitation, encouraging individuals to enter monitoring programs sooner.

(Opposed) None.

Persons Testifying: Representative Tarra Simmons, prime sponsor; and Anthony Partridge, Washington State Board of Nursing.

Persons Signed In To Testify But Not Testifying: None.