

SENATE BILL REPORT

SB 5051

As of January 18, 2025

Title: An act relating to consolidating regulatory authority for nursing assistants.

Brief Description: Consolidating regulatory authority for nursing assistants.

Sponsors: Senators Bateman, Riccelli, Cleveland, Nobles and Wellman; by request of Washington State Board of Nursing.

Brief History:

Committee Activity: Health & Long-Term Care: 1/21/25.

Brief Summary of Bill

- Consolidates regulatory authority relating to competency evaluation, disciplinary authority, and credentialization for nursing assistants under the Board of Nursing.
- Expands Board of Nursing composition from 15 to 17 to include nursing assistant members, and an additional registered nurse or licensed practical nurse member.

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Staff: Rohan Bhattacharjee (786-7534)

Background: Definition and Scope of Practice of Nursing Assistant. Nursing assistant means an individual, regardless of title, who, under the direction and supervision of a registered nurse or licensed practical nurse, assists in the delivery of nursing and nursing-related activities to patients in a health care facility.

A nursing assistant may assist in the care of individuals as delegated by and under the direction and supervision of a licensed or registered nurse or licensed practical nurse.

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.

Regulatory Authority for Nursing Assistants. The Secretary of the Department of Health (DOH) has the authority to:

- set all nursing assistant certification, registration, medication assistant endorsement, and renewal fees, and collect and deposit such fees in the Health Professions Account;
- establish forms, procedures, and the competency evaluation;
- hire clerical, administrative, and investigative staff as needed;
- issue a nursing assistant registration to any applicant who has met the requirements for registration;
- after January 1, 1990, issue a nursing assistant certificate to any applicant who has met the training, competency evaluation, and conduct requirements for certification;
- issue medication assistant endorsement for applicants who have met the requirements;
- maintain the official record for DOH of all applicants and persons with registrations, certificates, and medication assistant endorsements;
- exercise disciplinary authority as authorized;
- deny registration to any applicant who fails to meet requirement for registration as a nursing assistant; and
- deny certification to applicants who do not meet the training, competency evaluation, and conduct requirements for certification as a nursing assistant.

The Board of Nursing (Board) is authorized to:

- determine minimum nursing assistant education requirements and approve training programs;
- approve education and training programs and examinations for medication assistants;
- define the prescriber-ordered treatments a medication assistant is authorized to perform;
- prepare, grade, administer, determine the nature of, and supervise the grading and administration of, the competency evaluation for applicants for nursing assistant certification, using the same competency evaluation for all applicants, whether qualifying to take the competency evaluation under an approved training program or alternative training;
- establish forms and procedures for evaluation of an applicant's alternative training;
- define and approve any experience requirement for nursing assistant certification;
- adopt rules implementing a continuing competency evaluation program for nursing assistants; and
- adopt rules to enable it to carry into effect the provisions.

The Board of Nursing—Membership Composition & Eligibility Requirements. There are 15 members appointed to the Board by the Governor, to four-year terms. The Board consists of seven registered nurse members, two advanced registered nurse practitioner members, three licensed practical nurse members, and three public members.

To be eligible for appointment to the Board, each member must be a resident of the state of Washington. Registered nurse members of the Board must be licensed in Washington, have had at least three years' experience in the active practice, and have been engaged in that practice within two years of appointment. At least one registered nurse member must be on the faculty at a four-year university nursing program; at least one registered nurse member must be on the faculty at a two-year community college nursing program; at least two registered nurse members must be staff nurses providing direct patient care; and at least one registered nurse member must be a nurse manager or a nurse executive.

Advanced practice registered nurse members of the Board must be licensed in Washington, have had at least three years' experience in the active practice, and have been engaged in that practice within two years of appointment. Licensed practical nurse members of the Board must be licensed in Washington, have had at least three years' actual experience as a licensed practical nurse and have been engaged in practice within two years of appointment.

Summary of Bill: The Board of Nursing—Membership Composition & Eligibility Requirements. The membership composition is increased to 17 members to be appointed by the Governor. The number of licensed practical nurse members is reduced to two from three. Two certified nursing assistant members and a registered nurse or licensed practical nurse member are added to the Board.

To be eligible for appointment to the Board, the certified nursing assistant members must be currently employed as certified nursing assistants and licensed. They must have at least two years' experience as a certified nursing assistant. The registered nurse or licensed practical nurse member must be currently either a program director or educator in an approved nursing assistant training program.

Definition and Scope of Practice of Nursing Assistants. The definition of nursing assistant is revised to add individuals, who regardless of title, use their nursing assistant credential to work as a long-term care worker. The nursing assistant scope of practice is modified to include work as a long-term care worker, as allowed under current law.

Transfer of Authority from the Secretary of Health to the Board of Nursing. The following duties of the Secretary of Health for the regulation of nursing assistants are transferred to the Board:

- establish forms, procedures, and the competency evaluation;
- hire clerical, administrative, and investigative staff;
- issue a nursing assistant registration to any applicant who has met the requirements for registration;
- issue a nursing assistant certificate to any applicant who has met the training, competency evaluation, and conduct requirements for certification;
- issue medication assistant endorsement for applicants who have met the requirements;
- maintain the official record for DOH of all applicants and persons with registrations,

- certificates, and medication assistant endorsements;
- exercise disciplinary authority as authorized;
- deny registration to any applicant who fails to meet requirement for registration as a nursing assistant; and
- deny certification to applicants who do not meet the training, competency evaluation, and conduct requirements for certification as a nursing assistant; are revoked.

A provision authorizing the Secretary of Health to employ staff that are hired and managed by the executive director of the Board, is added.

The Board is granted the authority to exercise disciplinary authority over nursing assistants who are licensed and are working as long-term care workers.

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.