

WSR 26-05-086

EXPEDITED RULES

DEPARTMENT OF HEALTH

(Board of Nursing)

[Filed February 18, 2026, 10:58 a.m.]

Title of Rule and Other Identifying Information: Washington health professional services (WHPS) program name change. The Washington state board of nursing (board) is proposing technical amendments to WAC 246-840-750 through 246-840-790 to remove outdated references to WHPS and replace them with the neutral term for the board's "approved substance use disorder monitoring program."

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this expedited rule making is to update WAC 246-840-750 through 246-840-790 by removing outdated references to WHPS following the board's September 12, 2025, decision to rename the program for better visibility and transparency to compassion, accountability, recovery, empowerment, and safety (CARES). This decision was part of a rebranding effort by the board.

The proposed amendments add the "approved substance use disorder monitoring program" or "approved monitoring program" to definitions and removes the WHPS definition, updating all references of WHPS to the new definition.

The proposal makes technical, nonsubstantive edits to update program references without altering the meaning, requirements, or effect of the rules.

Reasons Supporting Proposal: These amendments are needed to ensure consistency and accuracy in rule language and to prevent confusion among applicants, licensees, and employers during the transition from WHPS to CARES. The changes qualify for expedited rule making under RCW 34.05.353 (1)(c) as name changes and clarifying edits that do not change the effect of the rules.

Statutory Authority for Adoption: RCW 18.79.010, 18.79.110, and 18.130.175.

Statute Being Implemented: RCW 18.79.110.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state board of nursing, governmental.

Name of Agency Personnel Responsible for Drafting: Jessilyn Dagum, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-3538; Implementation and Enforcement: Catherine Woodard, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4757.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, makes address or name changes, or clarifies language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The amendments correct outdated program name references and clarify rule language without modifying requirements or changing the effect of the rules. The changes are limited to technical name updates and are appropriate for the expedited process to implement RCW 34.05.353 (1)(c).

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEAR-

INGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Jessilyn Dagum, Department of Health, Washington State Board of Nursing, P.O. Box 47864, Olympia, WA 98504-7864, phone 360-236-3538, fax 360-236-4738, email WABONRules@doh.wa.gov, BEGINNING the date and time of this filing, AND RECEIVED BY April 20, 2026, at 11:59 p.m.

February 18, 2026  
Alison Bradywood DNP, MN/MPH, RN, NEA-BC  
Executive Director  
Washington State Board of Nursing

## RDS-6850.5

AMENDATORY SECTION (Amending WSR 24-12-066, filed 6/3/24, effective 7/1/24)

**WAC 246-840-750 Philosophy governing the voluntary approved substance use disorder monitoring program(s).** The Washington state board of nursing (board) recognizes the need to establish a means of providing early recognition and treatment options for licensed practical nurses or registered nurses whose competency may be impaired due to the use of drugs or alcohol. The board intends that such nurses be treated, and their treatment monitored so that they can return to or continue to practice their profession in a manner, that safeguards the public. (~~The Washington health professional services (WHPS) program is the board's approved substance use monitoring program under RCW 18.130.175.~~) The board may refer licensed practical nurses or registered nurses to ((WHPS)) the board's approved substance use disorder monitoring program under RCW 18.130.175 as either an alternative to or in connection with disciplinary actions ((~~under RCW 18.130.160~~)).

AMENDATORY SECTION (Amending WSR 24-12-066, filed 6/3/24, effective 7/1/24)

**WAC 246-840-760 Definitions of terms used in WAC 246-840-750 through 246-840-790.** The definitions in this section apply throughout WAC 246-840-750 through 246-840-790 unless the text clearly requires otherwise.

(1) "Approved substance use disorder monitoring program" means the compassion, accountability, recovery, empowerment, and safety (CARES) program that the board has determined meets the criteria in WAC 246-840-770 and RCW 18.130.175. The approved substance use disorder monitoring program does not provide evaluation or treatment services.

(2) "Continuing care" means the phase of treatment following acute treatment. Common elements of continuing care include relapse prevention and self-help group participation.

~~((2))~~ (3) "Defray" means the board may pay up to 80 percent of out-of-pocket expenses related to ~~((WHPS))~~ the approved substance use disorder monitoring program participation that includes substance use disorder (SUD) evaluations, SUD treatment and other ancillary services including drug testing, participation, professional peer support groups, and any other expenses deemed appropriate by the board.

~~((3))~~ (4) "Financial assistance" means board approval to use funds to pay for a participant's out-of-pocket costs associated with participation in the ~~((WHPS))~~ approved substance use disorder monitoring program.

~~((4))~~ (5) "Financial need" means a demonstrated need by ~~((a WHPS))~~ the approved substance use disorder monitoring program participant when they need help to pay for costs related to participation in the ~~((WHPS))~~ approved substance use disorder monitoring program.

~~((5))~~ (6) "Monitoring contract" is a comprehensive, structured agreement between the recovering nurse and ~~((WHPS))~~ the approved substance use disorder monitoring program defining the requirements of the nurse's program participation.

~~((6))~~ (7) "Peer support group" is a professionally facilitated support group designed to support recovery and re-entry into practice.

~~((7))~~ (8) "Random drug screens" means laboratory tests to detect the presence of drugs in body fluids and other biologic specimens that are performed at irregular intervals not known in advance by the person to be tested.

~~((8))~~ (9) "Referral contract" is a formal agreement between the board and the nurse to comply with the requirements of the ~~((WHPS))~~ approved substance use disorder monitoring program in lieu of discipline.

~~((9))~~ (10) "Self-help groups" means groups or fellowships providing support for people with substance use disorder to support their sobriety and recovery.

~~((10))~~ (11) "Stipend program" means the board program to defray the out-of-pocket expenses for participants who have applied for and been approved to receive financial assistance in connection with participation in ~~((WHPS))~~ the approved substance use disorder monitoring program. The purpose is to assist nurses who would otherwise be unable to participate in the program because of personal financial limitations.

~~((11))~~ (12) "Stipend program application" means a board form that the participant uses to request stipend assistance that provides information to determine eligibility for stipend funds.

~~((12))~~ (13) "Substance use disorder" (SUD) means a chronic progressive illness that involves the use of alcohol or other drugs to a degree that it interferes with the functional life of the registrant/licensee, as manifested by health, family, job (professional services), legal, financial, or emotional problems.

~~((13) "Washington health professional services (WHPS)" is the approved substance use monitoring program as described in RCW 18.130.175 that meets criteria established by the board. WHPS does not provide evaluation or treatment services.))~~

AMENDATORY SECTION (Amending WSR 24-12-066, filed 6/3/24, effective 7/1/24)

**WAC 246-840-770 ((Approval)) Requirements of the approved substance use disorder monitoring program(s).** ((The board uses WHPS as the approved monitoring program.))

(1) ((WHPS will)) The approved substance use disorder monitoring program must:

(a) Employ staff with the qualifications and knowledge of both substance use and the practice of nursing as defined in this chapter to be able to evaluate:

(i) Clinical laboratories;

(ii) Laboratory results;

(iii) Providers of substance use treatment, both individuals and facilities;

(iv) Peer support groups;

(v) The nursing work environment; and

(vi) The ability of the nurse to practice with reasonable skill and safety.

(b) Enter into a monitoring contract with the nurse to oversee the nurse's required recovery activities. Exceptions may be made to individual components of the contract as needed.

(c) Determine, on an individual basis, whether a nurse will be prohibited from engaging in the practice of nursing for a period of time and restrictions, if any, on the nurse's access to controlled substances in the workplace.

(d) Maintain case records on participating nurses.

(e) Report to the board any nurse who fails to comply with the requirements of the approved substance use disorder monitoring program as defined by the board.

(f) Provide the board with an annual statistical report.

(2) The board approves ((WHPS's)) the approved substance use disorder monitoring program's procedures on treatment, monitoring, and limitations on the practice of nursing for those participating in the program.

AMENDATORY SECTION (Amending WSR 24-12-066, filed 6/3/24, effective 7/1/24)

**WAC 246-840-780 Conditions for participants entering the approved substance use disorder monitoring program.** (1) Any nurse participating in the approved substance use disorder monitoring program must:

(a) Undergo a complete substance use disorder evaluation. This evaluation will be performed by health care professional(s) with expertise in chemical dependency.

(b) Enter into a monitoring contract with ((WHPS)) the approved substance use disorder monitoring program which includes, but is not limited to, the following terms, which require the nurse to:

(i) Undergo any recommended level of treatment by a board-designated licensed treatment provider, including continuing care;

(ii) Abstain from all mind-altering substances including alcohol and cannabis except for medications prescribed by an authorized prescriber, as defined in RCW 69.41.030 and 69.50.101;

(iii) Cause the treatment counselor(s) to provide reports to the approved substance use disorder monitoring program at specified intervals;

(iv) Attend peer support group, or self-help group meetings, or both as specified by ((WHPS)) the approved substance use disorder monitoring program;

(v) Complete random or for-cause drug screening as specified by ((WHPS)) the approved substance use disorder monitoring program;

(vi) Comply with specified employment conditions and restrictions as defined by the monitoring contract;

(vii) Agree in writing to allow ((WHPS)) the approved substance use disorder monitoring program to release information to the board if the nurse does not comply with any contract requirements or is unable to practice with reasonable skill and safety;

(viii) Pay the costs of any required evaluations, substance use treatment, peer support group, random drug screens, and other personal expenses incurred in relation to the approved substance use disorder monitoring program;

(ix) Sign any requested release of information authorizations.

(2) When referred to ((WHPS)) the approved substance use disorder monitoring program in lieu of discipline, the nurse must enter into a referral contract with the board. The board may take disciplinary action against the nurse's license under RCW 18.130.160 based on any violation by the nurse of the referral contract.

(3) A nurse may voluntarily participate in ((WHPS)) the approved substance use disorder monitoring program in accordance with RCW 18.130.175(2) without first being referred to ((WHPS)) the approved substance use disorder monitoring program by the board.

AMENDATORY SECTION (Amending WSR 24-12-066, filed 6/3/24, effective 7/1/24)

**WAC 246-840-790 Stipend program of the approved substance use disorder monitoring ((stipend)) program.** (1) Applicants ((~~must~~)) shall meet the requirements in RCW 18.79.440 to be eligible for the stipend program of the approved substance use disorder monitoring ((stipend)) program ((~~stipend program~~)). All disbursements of stipend program funds are subject to availability of budgeted funds.

(2) To be eligible for the stipend program, a person ((~~must~~)) shall:

(a) Hold an active, inactive, or suspended license issued pursuant to this chapter;

(b) Submit an application on forms provided by the board;

(c) Be actively participating in the ((~~board's~~)) approved substance use disorder monitoring program ((~~WHPS program~~)) or have completed the ((WHPS)) approved substance use disorder monitoring program within six months of submission of an application for the stipend program; and

(d) Have a demonstrated need for financial assistance with the expenses incurred in connection with participation in the ((WHPS)) approved substance use disorder monitoring program.

(3) A person is not eligible for the stipend program if they have previously applied for and participated in the stipend program and had benefits paid on their behalf from the stipend program.

(4) The board may defray up to 80 percent of each out-of-pocket expense deemed eligible for defrayment under this section. The board will not pay stipend program funds directly to any person participating in the stipend program. The board will pay out-of-pocket expenses directly to entities providing services to the person participating in the stipend program.

(5) Out-of-pocket expenses eligible for defrayment under this section include the costs of substance use evaluation, treatment, other ancillary services, including drug testing, participation in professional peer support groups, and any other expenses deemed appropriate by the board.

(6) A person participating in the stipend program established in this section shall document and submit their out-of-pocket expenses in a manner specified by the board.

(7) Eligibility:

(a) A person may participate in the stipend program by having the stipend program defray authorized out-of-pocket expenses for one monitoring contract period only, including extensions of the contract monitoring period directed by ((WHPS)) the approved substance use disorder monitoring program.

(b) An applicant who was approved for the stipend program for a monitoring contract period without having benefits paid from the stipend program on their behalf, and later reenters the ((WHPS)) approved substance use disorder monitoring program, may be approved to participate in the stipend program.

(c) Stipend program applications are approved for a 12-month period. Persons participating in the stipend program shall submit an application every 12 months to renew their participation in the stipend program.

(d) A person may participate in the stipend program for a maximum of five years from the approval date of the initial stipend program application. Eligibility for the stipend program terminates upon successful completion of or discharge from the ((WHPS)) approved substance use disorder monitoring program.

(e) An applicant who previously applied for the stipend program but whose application was denied is eligible to reapply if the applicant's financial circumstances have changed.

(8) To establish financial need for the stipend program, a person shall provide documentary proof that total household income is less than 400 percent of the federal poverty level as determined under 42 U.S.C. 9902(2) and published annually by the U.S. Department of Health and Human Services.

(9) Application forms and documentary proof provided to the board under this section by applicants will be submitted under penalty of perjury and, if shown to be false, could subject the applicant to criminal penalties or other adverse action including, but not limited to, adverse action for moral turpitude, misrepresentation, or fraud.

(10) The stipend program may defray the cost of eligible out-of-pocket expenses incurred by a stipend program participant up to six months prior to application submission.

(11) The board may adopt, publish, and use procedures, forms, guidelines, and other documents necessary for implementation of this rule. Such procedures, forms, guidelines, and documents may be revised, amended, or discontinued as necessary in the sole discretion of the board.