

# SENATE BILL REPORT

## ESHB 1547

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As of March 17, 2023

**Title:** An act relating to increasing the health care workforce by authorizing out-of-state providers to practice immediately.

**Brief Description:** Increasing the health care workforce by authorizing out-of-state providers to practice immediately.

**Sponsors:** House Committee on Health Care & Wellness (originally sponsored by Representatives Caldier, Christian, Volz, Eslick, Hutchins and Graham).

**Brief History:** Passed House: 3/7/23, 95-0.

**Committee Activity:** Health & Long Term Care: 3/17/23.

### Brief Summary of Bill

- Creates an expedited temporary practice permit process for registered nurses, advanced registered nurse practitioners, and licensed practical nurses, who are licensed in Alaska, California, Idaho, or Oregon, to practice in Washington.

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### SENATE COMMITTEE ON HEALTH & LONG TERM CARE

**Staff:** Andie Parnell (786-7439)

**Background:** Nurse Licensure. The Nursing Care Quality Assurance Commission (Commission) is responsible for licensure, license renewal, and discipline of registered nurses (RNs), advanced registered nurse practitioners (ARNPs) and licensed practical nurses (LPNs). To receive an RN, ARNP, and LPN license, an applicant must:

- successfully complete an approved nursing education program, or its equivalent;
- successfully pass a licensure examination; and
- submit the required documentation.

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*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.*

Uniform Disciplinary Act. The Uniform Disciplinary Act (UDA) is a standardized set of procedures for enforcing laws concerning licensure and misconduct of licensed health care professionals. The UDA includes the list of acts that constitute unprofessional conduct. All licensed health care professionals are subject to the UDA.

Under the UDA, the Department of Health (DOH) must establish requirements for each applicant for an initial license to obtain a state background check through the Washington State Patrol prior to issuance of any license. The background check may be fingerprint-based. DOH must specify situations where a background check is inadequate, and an applicant must obtain an electronic fingerprint-based national background check through the Washington State Patrol and Federal Bureau of Investigation. A temporary practice permit applicant must have a national background check conducted if the state background check does not reveal a criminal record in Washington.

Temporary Practice Permits. Individuals who satisfy all other licensing requirements and qualifications may receive a temporary practice permit while the national background check is completed. This applies to any profession that does not currently issue, or prohibit, a temporary practice permit under the profession's specific statute or rule. A temporary practice permit may be issued to an applicant who:

- holds an unrestricted, active license in another state that has substantially equivalent licensing standards for the same profession to those in Washington;
- is not subject to denial of a license or issuance of a conditional or restricted license;
- does not have a criminal record in Washington;
- submits the necessary application, fees, and documentation for the license; and
- meets all the requirements and qualifications for the license.

A temporary practice permit grants the individual the full scope of practice for the profession. An applicant may practice the profession pending completion of documentation that the applicant meets the requirements for a license, and is not subject to denial of a license or issuance of a conditional license. The permit must only be issued upon the disciplining authority receiving verification from the state where the applicant is currently licensed, and the applicant is not subject to charges or disciplinary action for unprofessional conduct or impairment.

The disciplining authority must establish, by rule, the duration of the temporary practice permits. As established by DOH in rule, a temporary practice permit issued by the Commission expires when a license is granted, a notice of decision on an application is mailed to the applicant, or 180 days after the temporary practice permit is issued. If, at the expiration of the original temporary practice permit, DOH has not received information from the fingerprint-based national background check, the Commission may renew the temporary practice permit for an additional 180 days.

Interstate Endorsement. Upon application approval by the Commission, DOH may issue a license by endorsement without examination to practice as an RN or LPN to a person who is

licensed under the laws of another state, territory, or possession of the United States, and who meets all other qualifications for licensing. An applicant for interstate endorsement as an ARNP must comply with additional requirements set out in rule, including applying for and being granted an RN license.

**Summary of Bill:** Immediate Authorization to Practice. While awaiting an expedited temporary practice permit, an RN, ARNP, or LPN may practice in the state for up to 30 days if:

- the person is licensed and in good standing in Alaska, California, Idaho, or Oregon;
- the person has accepted an employment offer requiring the person to be licensed in Washington as an RN, ARNP, or LPN; and
- the person's employer requests authorization for the person to begin practicing in this state by submitting a form to the Commission.

The Commission must inform the employer of the decision and the authorization within two business days.

The qualified person may practice to the extent authorized for licensed persons in this state. The Commission may modify or restrict the services that the person may provide. The employer may also restrict the services that the person may provide. The right to practice is subject to discipline by the Commission upon a finding of unprofessional conduct or inability to practice with reasonable skill or safety due to a mental or physical condition.

Expedited Temporary Practice Permit. The Commission may issue an expedited temporary practice permit to practice as an RN, ARNP, or LPN to a person who:

- holds a current license to practice as an RN, ARNP, or LPN issued by a professional licensing board in Alaska, California, Idaho or Oregon;
- provides sufficient proof to the Commission that the person is in good standing with the issuing out-of-state professional licensing board;
- submits information required for the national background check fingerprint process, if applicable; and
- meets all other requirements and qualifications for a temporary practice permit in accordance with statute.

An expedited temporary practice permit allows a person to practice as an RN, ARNP, or LPN in Washington, pending the results of the fingerprint-based national background check.

An expedited temporary practice permit is valid until the earliest of the following:

- the date the person is granted a full license to practice as an RN, ARNP, or LPN in Washington; or
- the date the expedited temporary practice permit expires.

An expedited temporary practice permit is not renewable.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony:** PRO: Often times patients have to wait many hours for emergency services because of staffing shortages. This expedited temporary practice permit process would open our borders to out-of-state nurses and could help solve our workforce issues.

OTHER: Offering expedited permits to out-of-state nurses allows authorized nurses to work immediately, while also protecting the public of Washington State.

**Persons Testifying:** PRO: Representative Michelle Caldier, Prime Sponsor; Dr. Raul Garcia, Astria Toppenish Hospital.

OTHER: Amber Zawislak, NCQAC.

**Persons Signed In To Testify But Not Testifying:** No one.