
SENATE BILL 5547

State of Washington

68th Legislature

2023 Regular Session

By Senators Robinson, Muzzall, Hasegawa, and Mullet

Read first time 01/24/23. Referred to Committee on Health & Long Term Care.

1 AN ACT Relating to transparency for nursing pools that provide
2 health care personnel to hospitals and long-term care facilities;
3 amending RCW 18.52C.030; reenacting and amending RCW 18.52C.020; and
4 adding new sections to chapter 18.52C RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 18.52C.020 and 2012 c 10 s 36 are each reenacted and
7 amended to read as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

10 (1) "Adult family home" means a residential home licensed
11 pursuant to chapter 70.128 RCW.

12 (2) "Assisted living facility" means an assisted living facility
13 licensed under chapter 18.20 RCW.

14 (3) "Enhanced services facility" means an enhanced services
15 facility licensed under chapter 70.97 RCW.

16 (4) "Health care facility" means a nursing home, hospital,
17 hospice care facility, home health care agency, hospice agency,
18 assisted living facility, group home, or other entity for the
19 delivery of health care or long-term care services, including chore
20 services provided under chapter 74.39A RCW.

1 ~~((3))~~ (5) "Health care personnel" means a registered nurse or
2 licensed practical nurse as defined in chapter 18.79 RCW, a surgical
3 technologist registered under chapter 18.215 RCW, a diagnostic
4 radiologic technologist or cardiovascular invasive specialist
5 certified under chapter 18.84 RCW, a respiratory care practitioner
6 licensed under chapter 18.89 RCW, or a nursing assistant-certified as
7 defined in RCW 18.88A.020 who is a temporary employee or a referred
8 independent contractor of a nursing pool.

9 (6) "Hospital" means a facility licensed under chapter 70.41 or
10 71.12 RCW.

11 (7) "Nursing home" means any nursing home facility licensed
12 pursuant to chapter 18.52 RCW.

13 ~~((4))~~ (8) "Nursing pool" means any person engaged in the
14 business of providing, procuring, or referring health care or long-
15 term care personnel for temporary employment in health care
16 facilities, such as licensed nurses or practical nurses, nursing
17 assistants, and chore service providers. "Nursing pool" does not
18 include an individual who only engages in providing his or her own
19 services. "Nursing pool" does not include a hospital, nursing home,
20 assisted living facility, enhanced services facility, or an adult
21 family home that provides temporary staffing to its own organization.

22 ~~((5))~~ (9) "Person" includes an individual, firm, corporation,
23 partnership, or association.

24 ~~((6))~~ (10) "Secretary" means the secretary of the department of
25 health.

26 **Sec. 2.** RCW 18.52C.030 and 1996 c 191 s 28 are each amended to
27 read as follows:

28 (1) A person who operates a nursing pool shall register the pool
29 with the secretary. Each separate location of the business of a
30 nursing pool shall have a separate registration.

31 (2) In addition to the requirements in subsection (1) of this
32 section, a person who operates a nursing pool that employs, procures,
33 or refers health care personnel for temporary employment in a
34 hospital, nursing home, assisted living facility, enhanced services
35 facility, or an adult family home as defined in RCW 18.52C.020 shall:

36 (a) Register the pool with the secretary annually; and

37 (b) Disclose corporate structure and ownership, if any, which the
38 secretary shall make publicly available, as part of the annual
39 registration process.

1 (3) The secretary shall establish administrative procedures,
2 administrative requirements, and fees as provided in RCW 43.70.250
3 and 43.70.280. All fees or assessments levied by the state to cover
4 the costs associated with this section shall be borne by the persons
5 who operate nursing pools.

6 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.52C
7 RCW to read as follows:

8 (1) Nursing pools operating in Washington state shall report to
9 the secretary annually the following information, at a minimum, by
10 county in which the health care personnel performed the work and by
11 type of hospital, nursing home, assisted living facility, enhanced
12 services facility, or adult family home:

13 (a) The average amount charged by the nursing pool for health
14 care personnel by license type;

15 (b) The average amount paid by the nursing pool to health care
16 personnel by license type;

17 (c) The average amount of labor-related costs paid by the nursing
18 pool by health care personnel license type, such as payroll taxes,
19 workers' compensation insurance, professional liability coverage,
20 credentialing, and other employee-related costs;

21 (d) The number of placements made within 25 miles and 50 miles of
22 the health care personnel's residence as identified in their employee
23 tax information; and

24 (e) The total number of placements made by the nursing pool.

25 (2) The secretary shall produce an annual report to be made
26 available on the department of health's website. The annual report
27 shall include, at a minimum, the following information by county in
28 which the health care personnel performed the work and by type of
29 hospital, nursing home, assisted living facility, enhanced services
30 facility, or adult family home:

31 (a) The average amount charged by nursing pools for health care
32 personnel by license type;

33 (b) The average amount paid by the nursing pool to health care
34 personnel by license type;

35 (c) The average amount of labor-related costs paid by the nursing
36 pool by health care personnel license type, such as payroll taxes,
37 workers' compensation insurance, professional liability coverage,
38 credentialing, and other employee-related costs;

1 (d) The number of placements made within 25 miles and 50 miles of
2 the health care personnel's residence as identified in their employee
3 tax information; and

4 (e) The total number of placements made by each registered
5 nursing pool.

6 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.52C
7 RCW to read as follows:

8 (1) This section applies to nursing pools that employ, procure,
9 or refer health care personnel for temporary employment in nursing
10 homes, assisted living facilities, enhanced services facilities, or
11 adult family homes.

12 (2) The nursing pool shall ensure health care personnel meet the
13 minimum licensing, certification, training, and health requirements
14 and the continuing education standards for the health care
15 personnel's position in the nursing home, assisted living facility,
16 enhanced services facility, or adult family home and shall supply the
17 appropriate documentation to the nursing home, assisted living
18 facility, enhanced services facility, or adult family home.

19 (3) The nursing pool shall conduct a criminal background check,
20 exclusion verification as required under 42 U.S.C. Sec. 1032a-7, and
21 the requirements under RCW 43.43.842 for all health care personnel
22 prior to employment, procurement, or referral of the health care
23 personnel. The nursing pool shall provide the nursing home, assisted
24 living facility, enhanced services facility, or adult family home
25 with proof of applicable criminal records checks.

26 (4) The nursing pool shall provide the nursing home, assisted
27 living facility, enhanced services facility, or adult family home
28 written notice, at least 90 days in advance, of contract changes
29 including, but not limited to, availability or charges for services,
30 items, or activities.

31 (5) A nursing pool shall not, in any contract with health care
32 personnel or a nursing home, assisted living facility, enhanced
33 services facility, or adult family home that lasts longer than 13
34 weeks, require the payment of liquidated damages, employment fees, or
35 other compensation if health care personnel is hired as a permanent
36 employee by the nursing home, assisted living facility, enhanced
37 services facility, or adult family home.

38 (6) Nursing pools shall also provide, annually, to the secretary
39 the average total hours worked and billed by nursing category and as

1 aggregated by nursing home, assisted living facility, enhanced
2 services facility, or adult family home facility type.

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