

FINAL BILL REPORT

SSB 5547

Brief Description: Concerning nursing pool transparency.

Sponsors: Senate Committee on Health & Long Term Care (originally sponsored by Senators Robinson, Muzzall, Hasegawa and Mullet).

Senate Committee on Health & Long Term Care
House Committee on Health Care & Wellness

Background: In 1988, the Legislature recognized the need to protect the public's right to high quality health care by assuring that nursing pools employ, procure or refer competent and qualified health care or long-term care personnel, and that such personnel are provided to health care facilities, agencies, or individuals in a way to meet the needs of residents and patients.

"Nursing pool" means any person engaged in the business of providing, procuring, or referring health care or long-term care personnel for temporary employment in health care facilities, such as licensed nurses or practical nurses, nursing assistants, and chore service providers. A nursing pool does not include an individual who only engages in providing his or her own services.

A person who operates a nursing pool shall register the pool with Department of Health (DOH). Each separate location of the business of a nursing pool shall have a separate registration. The secretary shall establish administrative procedures, administrative requirements, and fees.

No state agency shall allow reimbursement for the use of temporary health care personnel from nursing pools not registered in the state of Washington.

Nursing Pool Duties. Nursing pools are required to:

- document that each temporary employee or referred independent contractor provided or referred to health care facilities currently meets the applicable minimum state credentialing requirements;
- conduct a criminal background check on all employees and independent contractors prior to employment or referral of the employee or independent contractor; and

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- carry professional and general liability insurance to insure against any loss or damage occurring, whether professional or otherwise, as the result of the negligence of its employees, agents or independent contractors for acts committed in the course of their employment with the nursing pool.

A nursing pool that only refers self-employed, independent contractors to health care facilities must carry professional and general liability insurance to cover its own liability as a nursing pool which refers self-employed, independent contractors to health care facilities.

A nursing pool, as a condition of referral, that self-employed, independent contractors carry professional and general liability insurance to insure against loss or damage resulting from their own acts committed in the course of their own employment by a health care facility.

"Health care facility" means a nursing home, hospital, hospice care facility, home health care agency, hospice agency, assisted living facility, group home, or other entity for the delivery of health care or long-term care services, including chore services.

Long-Term Care Worker. A long-term care worker is defined as all persons who provide paid, hands-on personal care services for the elderly or persons with disabilities, including individual providers of home care services, direct care workers employed by home care agencies or a consumer directed employer, and providers of home care services to persons with developmental disabilities.

Summary: The definition of "nursing pool" is amended to clarify that a nursing pool does not include a hospital, clinic, nursing home, assisted living facility, enhanced services facility, or an adult family home that provides temporary staffing to its own organization.

Nursing Pool Registration Requirement. A person who operates a nursing pool that employs, procures, or refers health or long-term care personnel for temporary employment in a hospital, nursing home, assisted living facility, enhanced services facility, or an adult family home must register the nursing pool annually with DOH, and disclose corporate structure and ownership, if any, which DOH must make publicly available, as part of the annual registration process.

The persons who operate nursing pools are responsible for all fees or assessments levied by the state to cover the associated costs.

Nursing Pool Reporting Requirements. Nursing pools operating in Washington State must submit an annual report to DOH with the following information, at a minimum, by county in which the health or long-term care personnel performed the work and by type of hospital, nursing home, assisted living facility, enhanced services facility, or adult family home:

- the average amount charged by the nursing pool for health or long-term care personnel by license type;
- the average amount paid by the nursing pool to health care or long-term personnel by

- license type;
- the average amount of labor-related costs paid by the nursing pool by health or long-term care personnel license type, such as payroll taxes, workers' compensation insurance, professional liability coverage, credentialing, and other employee-related costs;
- the number of placements made within 25 miles and 50 miles of the health or long-term care personnel's residence as identified in their employee tax information; and
- the total number of placements made by the nursing pool.

DOH must complete an annual report that is available on the agency's website. The report, at minimum, must include the following information by county in which the health or long-term care personnel performed the work and by type of hospital, nursing home, assisted living facility, enhanced services facility, or adult family home:

- the average amount charged by nursing pools for health or long-term care personnel by license type;
- the average amount paid by the nursing pool to health or long-term care personnel by license type;
- the average amount of labor-related costs paid by the nursing pool by health or long-term care personnel license type, such as payroll taxes, workers' compensation insurance, professional liability coverage, credentialing, and other employee-related costs;
- the number of placements made within 25 miles and 50 miles of the health or long-term care personnel's residence as identified in their employee tax information; and
- the total number of placements made by each registered nursing pool.

Additional Requirements for Nursing Pools. Nursing pools must document that each health or long-term care personnel provided or referred to health care facilities meet the applicable minimum state credentialing requirements including, but not limited to: licensure, certification, training, health requirements, and continuing education standards for the health or long-term care personnel's position in the health care facility.

Nursing pools must provide the nursing home, assisted living facility, enhanced services facility, or adult family home written notice, at least 90 days in advance, of contract changes including, but not limited to, availability or charges for services, items, or activities.

Nursing pools may not require the payment of liquidated damages, employment fees, or other compensation in any contract with health care personnel or a nursing home, assisted living facility, enhanced services facility, or adult family home that lasts longer than 13 weeks, if the health or long-term care personnel is hired as a permanent employee by the nursing home, assisted living facility, enhanced services facility, or adult family home.

Nursing pools must provide an annual report to DOH with the average total hours worked and billed by nursing category and as aggregated by nursing home, assisted living facility, enhanced services facility, or adult family home facility type.

The long-term care workers background check requirement is added to the current background check requirements that nursing pools must conduct.

"Health care personnel" means a registered nurse or licensed practical nurse, a surgical technologist registered, a diagnostic radiologic technologist or cardiovascular invasive specialist certified, a respiratory care practitioner licensed, or a nursing assistant-certified who is licensed and certified in Washington State and is either a temporary employee or a referred independent contractor of a nursing pool.

"Long-term care personnel" means any person who qualifies as a long-term care worker.

Votes on Final Passage:

Senate 48 0

House 98 0

Effective: The bill takes effect 90 days after adjournment of the session in which the bill is passed.