



**Nursing Care Quality Assurance Commission (NCQAC)
Licensing Subcommittee Minutes
January 18, 2022 1: 00 pm to 2: 00 pm**

Committee Members: Dawn Morrell, BSN, CCRN, RN, Chair
Adam Canary, LPN
Helen Myrick, Public Member
Yvonne Strader, RN, BSN, BSNA, MHA

Staff: Amber Zawislak-Bielaski, MPH, Assistant Director of Licensing
Shana Johnny, MN, RN, Nurse Practice Consultant, Ad- Hoc
Karl Hoehn, JD, Assistant Director of Discipline- Legal Services
Lori Underwood, Licensing Supervisor

This meeting was digitally recorded to assist in the production of accurate minutes. All recordings are public record. The minutes of this meeting will be posted on our website after they have been approved at the **March 11, 2022**, NCQAC meeting. For a copy of the actual recording, please contact the Public Disclosure Records Center (PDRC) at PDRC@doh.wa.gov.

I. 1:00 PM Opening – Dawn Morrell, BSN, CCRN, RN Subcommittee Chair

- **Roll Call**
- **Call to Order** - Commissioner Dawn Morrell, Commissioner Helen Myrick, Commissioner Adam Canary, Commissioner Yvonne Strader, Mr. Karl Hoehn, Ms. Amber Zawislak Bielaski, Ms. Lori Underwood

II. Standing Agenda Items

- **Announcements/Hot Topic/NCQAC Business Meeting Updates** - Commissioner Morrell asked the committee if there were any topics to be discussed. Commissioner Myrick referenced the conversation at the end of the meeting with Executive Director, Paula Meyer, regarding retired nurses returning to practice and the licensing required. She inquired if this would be discussed today under Temporary practice permit rules. Commissioner Morrell explained that it is not under the Temporary practice permit rules. This is something nurses can do now; they can apply to become nursing assistants. She further explained that no decision was made on how to move forward on communicating this to everyone and that this would be interesting when or if it does start happening. Commissioner Strader added that there was much discussion to extend the timeframe to three to five years and requiring a refresher course. There was much concern about nurses coming back after five years without a refresher course, this is why the other suggestion was made. Commissioner Morrell agreed.

- **Approve Minutes for November 16, 2021** - Commissioner Strader moved with a second from Commissioner Myrick to approve the minutes for November 16, 2021.

III. Old Business

- **Florida School Issues and Current Actions** – Ms. Underwood advised there is still an ongoing investigation which limits us on how much we can discuss. However, there was communication posted on the NCQAC website and communication sent out through GovDelivery on 1/14/2022. This message explains that the “Washington State Nursing Commission has determined that these schools are neither Commission approved nursing education programs nor equivalent to Commission approved nursing education in Washington. As a result, graduates of these institutions do not meet minimum qualification for licensure in the state of Washington at this time.” She further explained that it does list the current questionable schools which are Siena College of Health, Carleen Health Institute, Carleen Health Institute II, Carleen Health Institute of South Florida, and Palm Beach School of Nursing. She also added that any other reviews showing questionable education have been pulled aside and sent to CMT for additional review. Mr. Hoehn added that we have issued several letters of notification to anyone who may have applied from these education programs; these letters explain that their license was issued in error; they are not qualified to be an RN in Washington, and that their licenses are being pulled back. He further explained that these nurses have a right to a Brief Adjudicative Proceeding and we have a system set up to take care of those issues. If there are any nurses who started as an LPN in Washington, there may be some actions taken on their LPN license if they knowingly engaged in any misrepresentation to gain an RN license in Washington. Commissioner Morrell inquired if this communication went out to human resources and hospitals on the Listserv. Ms. Zawislak-Bielaski responded that this communication was sent through GovDelivery and if they are signed up to receive notifications through GovDelivery, they would receive it.

IV. New Business

- **Governor’s Weekly Report** – Ms. Underwood shared information off the weekly report from January 10th reflecting the processing time to issue a temporary practice permit increased to ten days. However, as of last week, the processing time dropped down to nine days. She further explained that we are seeing an increase of applications from the winter graduations and endorsements. Ms. Zawislak-Bielaski added that we also include the tracking of COVID related complaints since March 2020. Commissioner Strader inquired whether the additional reviews of transcript issues from the mentioned schools were adding time to the review. Ms. Zawislak-Bielaski explained that in the beginning, it was only one or two schools, but now that we are seeing the list growing, we are looking at every school narrowing in to make sure these programs are equivalent to our requirements. We have added additional layers of review for each file. She asked Ms. Underwood to speak to this. Ms. Underwood explained that our investigator, Ms. Erin Bush, provided resources our review staff can use as tools to ensure accreditation and creditability of these schools. After using these tools and determining they do not meet these requirements, we will forward the file for an additional review with CMT. Ms.

Underwood explained that although it does take additional time in this initial review, it is more of a heavy load when these files are passed on to our investigations unit for review. Mr. Hoehn advised that we have added another investigator and staff attorney that are giving this issue priority and attention. The main concern is for those who may have already obtained a license and then secondary would be those who have applied. Commissioner Morrell questioned if these files drop from our day to day reviews and do not impact our numbers. Ms. Zawislak-Bielaski confirmed this to be true. Ms. Underwood explained that these files we label as deficient files and they are not included in the days to process time reported on the Governor's report. Mr. Hoehn also added that we are trying to come up with mechanisms to make sure that those don't further increase the disciplinary backlog. Commissioner Myrick inquired why the COVID statistics were added to the Governor's report. Mr. Hoehn explained that we have been asked about these statistics in Discipline. We believe this originated from the Governor's office.

- **Current Challenges and Recent Accomplishments** - Commissioner Morrell inquired about FEMA nurses and whether we continue to receive these requests. Ms. Zawislak-Bielaski explained that we continue to receive credential checks for the 70.15 Emergency Volunteer program. Ms. Underwood also added that we do see some of these volunteers have also submitted their application. Commissioner Morrell asked for confirmation that these volunteers may continue to practice in Washington under these rules as long as the Emergency is declared. Ms. Zawislak-Bielaski confirmed.
- **Temporary Practice Permit Rules** – Ms. Zawislak-Bielaski explained that Ms. King brought attention to this WAC 246-840-095. This rule has been on our pending rules list for the Commission. It was added in 2017 and remains open. Ms. King discussed this with Executive Director, Ms. Meyer, and wanted to bring this to the Licensing subcommittee for discussion on what direction you would like for us to proceed with this rule package. Ms. Zawislak provided some background to the temporary practice permits. She added that the initial cover memo for this rule in 2017 was to propose changing the length of the temporary practice permit from six months to two months. This would encourage applicants to complete the FBI fingerprint background check in a timely manner so we can issue their permanent license. This was the initial intention, then COVID changed priorities. FBI unit became overwhelmed and was not able to process these background checks as quickly. As of today, they are still taking several weeks to process. The other issue Ms. Zawislak-Bielaski brought to attention is that we currently are not following the rules. The rules indicate for a temporary practice permit to be issued, we must receive a completed national background check fingerprint card. We have not followed these rules since it was established; the Nursing Commission has always granted temporary practice permits as long as all requirements have been met with the exception of the fingerprints. The rest of Department of Health follows these rules as it is written which is why it takes longer for them to issue temporary practice permits. Ms. Zawislak-Bielaski concluded that while we do not want to increase the time it takes to issue a temporary practice permit, we do want to be sure we are in compliance with our rules.

After sharing this information, Ms. Zawislak-Bielaski asked the committee whether they would like to change our rules so that it actually is aligned with our practice, or change the length of time. Commissioner Strader inquired if we were aware of the average time FBI unit is taking in processing the backgrounds. Ms. Zawislak-Bielaski explained that it was difficult to answer as they have had changes in staff and other factors right now. Ms. Underwood added information on the length of time considered with applicants actually obtaining the fingerprint cards, mailing them in to DOH, and then FBI unit scanning and processing the cards.

Commissioner Morrell questioned the rules contradicting itself with regards to the initial one hundred eighty days and then an additional one hundred eighty days. Ms. Underwood and Ms. Zawislak-Bielaski provided additional information. Commissioner Morrell suggested we consider ninety days. Mr. Hoehn advised that the original idea was thirty days back when it only took a week to process backgrounds. But today, this doesn't seem reasonable. He further explained with regards to discipline, that for some applicants only here for a short term employment, why would they incur the additional expense of an FBI background check when they can work off of the temporary practice permit. The one sure way to enforce this would be to follow our rules as it is written. But since so much attention is being placed on how quickly we issue these, it can have its own political repercussions. Do we write the rule to match reality with or without a shortened time period, or do we start enforcing the rule we already have because that could have some potential drawbacks in terms of licensing times which we know are under extreme scrutiny. Commissioner Strader shared that the standard contract for travelers is usually thirteen weeks, although it may be a bit different during COVID. Mr. Hoehn added this is a balance between safe nursing practice and access to care. He also shared additional information on background checks with HSQA. Commissioner Morrell suggested sixty days. Commissioner Strader shared that as a traveler, they should have an obligation to fulfill the requirements of completing the fingerprint background check. Mr. Hoehn asked Commissioner Strader if she thought along the lines of sixty days rather than one hundred eighty days. Commissioner Strader confirmed. Ms. Zawislak-Bielaski advised that by shortening the time frame of the temporary practice permit, this would eliminate many issues. Mr. Hoehn discussed the pros and cons of shortening the time frame for applicants. Commissioner

Myrick shared her ideas and her experience obtaining fingerprints for a license. She stressed the importance of the FBI fingerprint background check and the challenge of cutting wait times in licensing process. The committee brought up discussion regarding the background check with the nursing licensing compact. Commissioner Morrell inquired about in state versus out of state background check requirements. Mr. Hoehn shared the process on determining which applicant is required to have an FBI background check completed. Commissioner Morrell addressed to the committee that we have not been following policy as it has been written. The recommendation would be to open the rules and add an exception to read that it needs to be completed in sixty days. Ms. Zawislak-Bielask explained that the rules are already opened, so we could move forward to hold rules workshop but needed to understand what direction the commission would like for us to take. We could hold workshops,

create the draft, and then return these to the Licensing subcommittee for review and begin the CR 102 process. Ms. Zawislak-Bielaski asked for confirmation from the committee if they wanted us to shorten the timeframe from one hundred eighty days to sixty days and remove the language in the rules to better reflect the process we are actually following. Commissioner Morrell asked committee for their thoughts. Mr. Hoehn inquired if Ms. Zawislak-Bielaski was referring to changing 3c from one hundred eighty days to now sixty days and deleting 4b entirely. Ms. Zawislak-Bielaski confirmed. Commissioner Morrell asked if applicants would then be able to extend another sixty days. Ms. Zawislak-Bielaski confirmed that we could shorten this time frame also to reflect sixty days and continue to extend if the applicants were having issues with their prints. Commissioner Morrell asked the committee for their input. Commissioner Myrick agreed, as did Commissioner Strader and Commissioner Canary. Mr. Hoehn summarized the changes to reflect the sixty days in 3c and also reflect that the NCQAC may renew the temporary practice permit for an additional sixty days if necessary. Ms. Zawislak-Bielaski advised the committee that she will contact Ms. King to move forward with the rules workshops. After three workshops we will return to the committee with draft language for your review and approval based upon stakehold input. You will then be able to bring this forward to the full Commission.

- **Review Request The MET English Test for Professionals** – Ms. Zawislak-Bielaski presented an email sent to Executive Director, Ms. Meyer, from this company regarding their request for the Commission to consider using their company for the English proficiency test requirement. Last year we received a request from another company and the Licensing subcommittee sent the request to the Education Panel for review. However, we now have an Education subcommittee you could ask to review and provide recommendation for this. Commissioner Morrell asked the committee for their thoughts on this request. The Committee shared their thoughts and agreed to request the Education subcommittee to review this company and provide a recommendation.

V. **Ending Items**

- **Open Microphone** - None
- **Review of Actions** – Commissioner Morrell summarized actions to include changing the temporary practice permit from one hundred days to sixty days, and sending the MET request to the Education subcommittee for review and recommendation.
- **Meeting Evaluation** – Commissioner Morrell inquired if there are any remarks. Committee agreed this was a good meeting.
- **Date of Next Meeting** - February 15, 2022
- **Adjournment** – 1:52 PM