



**Nursing Care Quality Assurance Commission (NCQAC)
Licensing Subcommittee Minutes
February 21, 2023 1: 00 pm to 2: 00 pm**

Committee Members: Dawn Morrell, BSN, CCRN, RN, Chair
Adam Canary, LPN
Helen Myrick, Public Member
MaiKia Moua, RN, BSN, MPH

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 10, 2023**, 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, Ms. Amber Zawislak-Bielaski, Mr. Karl Hoehn, 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, no topics were brought forward.
- **Approve Minutes for October 18, 2022** - Commissioner Myrick moved with a second from Commissioner Canary to approve the minutes for October 18, 2022.

III. Old Business

- **Florida School Issues and Current Actions** – Mr. Hoehn advised that this continues to be an ongoing topic. He mentions that the Federal Government Department of Justice indicted about twenty-five people for running schools that were not actually nursing schools. Mr. Hoehn explained that these were essentially diploma mills. He continued to explain that our Commission had been aware of this for some time and had been working closely with the National Council and the FBI. He advised that so far, we have finalized action on eleven individuals. Seven of these individuals were issued a license, while four were applicants for which we denied their license. The seven individuals that held a license, the Commission rescinded their license. Mr. Hoehn advised that the priority of action is on those individuals whose license were issued in error. The Commission staff have set up a weekly system to advise the public both through Gov Delivery, Listserv, and our website. He shared that the

Commission has maintained an ongoing list of all individuals affected. He explained that credentials were being rescinded because of the lack of qualifications. Thus far, the cases have not involved any allegations of intentional fraud or misrepresentation in obtaining a license. Mr. Hoehn advised that these cases will be released regularly and that there will be a method of notifying the National Council and other state Boards of the actions the Commission has taken.

- **Temporary Practice Permit Rules** – Ms. Zawislak-Bielaski explained that this presentation will be moved to our April meeting.

IV. New Business

- **Governor’s Weekly Report** – Ms. Zawislak-Bielaski reviewed the February 13th report. She shared with the subcommittee that we have been keeping at five to six days for issuing temporary permits over the last several months. She advised that it seems like we have found a good pattern for handling and processing incoming applications. She referenced Mr. Mahon’s reports on the licensing data, where he pointed out that we should start to see an increase in applications around February and March. She also stated that we have everyone on the team working to stay caught up so that we are prepared for the influx of applications. Ms. Zawislak-Bielaski also shared in comparison that in January of this year, we received 2,439 total applications. In January 2022, we received a total of 1,935 applications, in January 2021, we received 1,423, and in January 2020, we received 1,261. Ms. Zawislak-Bielaski continued to review the Governor’s report with the subcommittee.

Commissioner Morrell asked if there were any questions. Commissioner Myrick inquired if we knew if these numbers were people moving into Washington or actual new nurses from Washington. Ms. Zawislak-Bielaski explained that in terms of examination versus endorsement applicants, our exam numbers have stayed consistent. The nurses endorsing to Washington is where we are seeing those high numbers. Commissioner Myrick added information from a report to the legislature reflecting that the states where we are seeing the most nurses coming from was Texas and Georgia. Commissioner Myrick also asked if we knew if the nurses who obtained a Washington license, then moved out of state kept their Washington license or let them expire. Ms. Zawislak-Bielaski replied that we often see that these nurses let their license expire. She continued to share the options they do have in keeping their Washington license.

- **Update Equity Education and JP module** – Dr. Johnny was not available to present. Ms. Dagum provided an update to the Equity Education rule. Ms. Dagum provided background for this rule as she explained that this rule came from Senate Bill 5229 which was passed in 2021 by the Washington State Legislature. She further explained that this bill requires Boards and Commissions with CE requirements to adopt rules that meet or exceed standards of the model rules that were passed in December 2022. She and Dr. Johnny have been gathering feedback throughout the state on these rules. She advised that they will be having another workshop tomorrow evening and then again on Friday at the Yakima College to gather more feedback. Once they have completed their workshops, they will be presenting a report to the full

Commission in May. Commissioner Morrell inquired if they are still seeing a lot of interest in their workshops. Ms. Dagum replied that they see about twelve to twenty participants at every workshop virtually. She explained that they are trying to get to as many areas in the state to make sure everyone is being heard. She continued by adding that they were still not sure what the requirements will be for licensing; but after the workshops have been concluded, they will consult with this subcommittee and others on getting these rules in place and implementing it. She concluded that they will be following a similar model of the suicide prevention training.

- **Review and Approval of Licensing Procedures**

ARNP Application Exemption Request B.09.06 – Ms. Zawislak-Bielaski provided a review of this procedure. Commissioner Myrick moved with a second from Commissioner Canary to approve this procedure.

Nursing Technician Not in Good Standing B.15.03 - Ms. Zawislak-Bielaski provided a review of this procedure. Commissioner Myrick moved with a second from Commissioner Canary to approve this procedure.

- **Emergency Rule and Permanent Rule Consideration for WAC 246-840-030 and WAC 246-840-090** – Mr. Hoehn explained that this is essentially a cleanup or clarification of the rule. He asked to draw attention to the current endorsement rule WAC 246-840-030 as it currently is written causing some issues in the interpretation. He pointed out that it currently states that individuals in a traditional nursing program applying for a Washington license must successfully complete a nursing education program and the program must be approved by another state board OR substantially meet the nursing education in Washington state. Mr. Hoehn explained that we do not always interpret this to mean that it is the Commission’s decision which rule applies. He shared an example with the subcommittee. If the school is approved in another state; however, we have actual evidence that the school is not a legitimate school, and/or does not meet our substantial requirements, there has been arguments that the word “OR” in this particular sentence means that the applicant get to choose. They either graduated from an out of state approved program “OR” one that meets our requirements. The idea of this rule was that the Commission could approve an individual from an out of state school, but it was not binding for the Commission to just automatically approve any state school if it did not meet Washington state requirements. Mr. Hoehn added that this was a cleanup in the rule language to make it abundantly clear that it is the Commission’s decision which part of this will be applied. The idea behind this is to get the language updated. He further explained that through the use of an emergency rule, if approved by this subcommittee and the Commission at the March business meeting, we could file an emergency rule change which is called CR103e. This would become that clarification of what we think already is the law. He continued to explain that the second part of this would be to approve a CR101 to begin the formal rulemaking process on this particular idea, as the Administrative Procedures Act states emergency rules are effective only for one hundred twenty days and cannot be extended unless the Commission has begun the formal rulemaking process. Mr. Hoehn concluded that by approving these emergency rules, it makes it effective immediately upon filing, and approval of

the CR101 means that the Commission can continue to file the emergency rule set until the rules process is completed. Mr. Hoehn asked the subcommittee if there were any questions.

Ms. Zawislak-Bielaski also added that with the permanent rulemaking we could clean up some of the references to WACs that no longer exist. Mr. Hoehn also stated that the same idea and language also applies to WAC 246-840-090. He added that he believes this will make it abundantly clear that it is the Commission that determines whether someone is qualified to be a nurse in Washington, not another state. Commissioner Morrell added that it would be interesting to see how this will work with the compact; we will continue our due diligence. Mr. Hoehn replied that if the compact passes, the Commission would still retain the ability to prohibit an individual's privilege to practice in Washington state if we found a situation of fraud. We could take action against their Washington state license whether it is a single state or multi state license. We just need to be clear that it is the Commission that determines what is an approved program of nursing and what we'll allow someone to get a license by endorsement. Commissioner Morrell inquired if there was a time limit for nurses to apply for a Washington state license if they move here and make Washington their home state. Mr. Hoehn advised that they are supposed to have their home state license in their state of residence and there is a time period allowed to a nurse to apply for their multi-state license in their new state of residence; however, he was unsure of what that time period was. Commissioner Morrell asked if there were any questions or other comments. There were no other questions. Commissioner Morrell asked for a motion to move forward the emergency rules and permanent rule consideration for WAC 246-840-030 and WAC 246-840-090. Commissioner Myrick moved with a second from Commissioner Canary to have these moved forward to full Commission at the March business meeting.

V. Ending Items

- **Public Comment** – No public comments
- **Review of Actions** – Commissioner Morrell provided a recap of the emergency rules and procedures the subcommittee approved and moved forward.
- **Meeting Evaluation** – Commissioner Morrell asked if anyone wanted to add a comment on improvement of the meeting. No comments were made.
- **Date of Next Meeting** - April 18, 2023
- **Adjournment** at 1:43PM

