

WSNA's 2010 REGULAR LEGISLATIVE SESSION UPDATE

April 20, 2010

WSNA Priority Legislation

2ESHB 3024 Meals and rest periods for nurses and certain hospital employees

Passed House: 63-34

Died in the Senate: Placed on second reading but did not come up for a floor vote.

House Bill 3024, introduced by Representative Steve Conway provided meal and uninterrupted meal periods for nurses and other critical hospital employees. The bill also ensures that not taking a break is not grounds for discrimination or dismissal. Due to typically working shifts of 12 hours or more, missed meal and rest periods lead to nurse fatigue and contribute to medical errors, patient injury, nurse turnover and unnecessary legal costs.

This bill was strongly opposed by the hospitals. The Washington State Hospital Association spread misinformation about the bill: that it would end nurses' professional judgment, was too inflexible and costly to administer, interfered with collective bargaining and led to patient abandonment.

In addition to lobbying the legislature, the coalition of unions jointly invested in public campaign to urge legislators to support of HB 3024. This included television ads, automated calls, and a public survey to educate communities around the state about the link between missed meal and rest periods and patient safety. Thousands of concerned members of the public called their legislators to vote for the bill.

The bill passed the House with huge support from House Leadership. In the Senate, the bill was voted out of the Senate Labor, Commerce, and Consumer Protection Committee, the bill did not make it to the Senate floor for a final vote. We are gathering with partners to discuss next steps, including rule making by the Department and Labor and Industries who regulates meal and rest periods for a wide range of workers and future legislation.

WSNA plans to provide extensive outreach to educate members on the danger of fatigue and dispel myths about the legislation spread by the Hospital Association, individual hospitals, and misinformed staff.

Public Health and Public Health Funding

HB 2388 (Moeller) Concerning public health financing

Died House: Heard in House Committee on Finance

This bill closes a loophole in the sales tax for gum and candy tax to generate additional revenue for public health. The bill proposed to dedicate the funds to public health. WSNA and advocates supported closing the sales tax loophole on gum and candy as a way to raise revenue for vital programs

such as public health. HB 2388 was never voted out of committee, but was included in the revenue package. WSNA members mobilized to push legislators to keep the gum and candy as a source of revenue in the final revenue package. The \$29 million dollars of revenue generated will go to the general fund.

Maternity Support Services funding supports public health nursing activities in many counties. First slated for eliminating in Governor Gregoire’s Book One budget, the program is sustained at current funding levels. WSNA members Angel Mathis, Melissa Roe, Darla Mosse, and Faith Hammel testified to the fiscal committees of the House and Senate in support of the program.

Nursing Education

HB 2694 (Sells) Regarding a bachelor of science in nursing program at the Everett Community College (University Center)

Passed House: 97-0
Senate: Referred to third reading calendar

1st Special Session

Passed House: 93-0
Passed Senate: 43-2

UW Bothell in partnership with the University Center at Everett Community College (University Center) will offer a bachelor of science in nursing program in Everett for 75 students. The bill cites a persistent nursing shortage behind the need for up to 50 full time nursing student slots articulating into a Bachelor of Science in Nursing.

Supplemental Operating Budget and Revenue

NURSING PROGRAMS

Support of the Nursing Care Quality Assurance and Washington Health Professions Service Program (WHPS)

WSNA advocated for increased funding support for NCQAC and the Department of Health’s WHPS by diverting some of the existing \$20 surcharge on registered nurse licenses currently supporting the University of Washington HEAL-WA online library. In the end, the legislature transferred five dollars out of the twenty dollar surcharge to support some of the cost of needed additional staffing for nursing licensing, discipline, and expedited credentialing. A portion of the five dollar fee will also go towards the Washington Health Professional Services program. WHPS helps thirty types of health professionals, including nurses receive treatment for alcohol and substance abuse and re-enter into the workforce. Nurses comprise over 70% of the clientele. The program has a high success rate, is much less expensive than discipline, and has the added benefit of putting nurses back to work. The total amount transferred for these activities from HEAL-WA is \$400,500. WSNA will continue to participate in discussions to open the HEAL-WA program to other professions.

HIGHER EDUCATION/HIGH DEMAND FIELDS Final budget language prioritizes enrollment in high demand fields including health professions & related clinical sciences.

Health Professions Survey Study \$50,000 (Health Professions Account-State) - The Department was directed to discontinue its activities relating to collecting data regarding the health professions workforce. Funding is provided to support the development of a plan for the comprehensive and cost-effective collection of data related to the health professions workforce. The plan shall be submitted to the Governor and the Legislature by December 1, 2010.

HEALTH PROFESSIONS LOANS & SCHOLARSHIP REPAYMENT PROGRAM - elimination of \$3,960,00 in Health Prof'l Loans & Scholarships funding - The loan repayment provides loan payment assistance to licensed primary care health professionals. The scholarship provides conditional scholarships to students training to become primary care health professionals. In return, program participants agree to provide primary care health care in rural or underserved urban areas with designated shortages. Approximately 100 new applicants will not receive scholarships or loan repayments; however individuals currently receiving scholarships or loan repayment benefits will continue to receive them.

Preserving vital state programs:

WSNA worked throughout session to preserve funding for vital state programs in the 2010 Supplemental Budget ESB 6444

- State funding to support public health: current proposed Senate and House budgets maintain state funding for public health. However, local revenues that support local public health continue to shrink.
- 16,000 slots for low income children are preserved in the Apple Health insurance program.
- 65,000 slots are preserved in the Basic Health Program. The state is also applying for early expansion of medicaid under health reform legislation, providing health coverage for up to 4,000 people who cannot access the BHP. There are currently 103,000 individuals on the wait list and Washington faces record levels of uninsured individuals.
- The General Assistance Unemployable health program is now the Disability Lifeline. This program provides medical care and a modest cash stipend for individuals unable to work due to disability. Washington is the only state that contributes state funds for this federally based health program.

2ESB 6143 Modifying excise tax laws to preserve funding for public schools, colleges, and universities, as well as other public systems essential for the safety, health, and security of all Washingtonians

The legislature continued for an additional 30 days to finalize the state budget and agree on new revenue sources to help close some of the 2.8 billion dollar shortfall. WSNA, as a member of the Rebuilding Our Economic Future Coalition, pushed for fair and equitable ways to raise revenue to protect vital state programs. Highlights of the nearly 800 million dollar revenue package include:

- Increases in the business and occupation tax, with an exemption for hospitals and research and development
- Taxes on beer, soda pop, candy, bottled water, and tobacco products. WSNA worked to mobilize members to voice their support for taxing gum, candy, and soda pop. Taxes help to decrease consumption of foods that lack nutritional value and contribute to the obesity epidemic.

Activity on Policy Bills of Interest to WSNA

SB 6627 (Marr) Authorizing Washington pharmacists to accept & fill prescriptions written by NPs in other states & certain Canadian providences

Passed Senate: 46-0

Passed House: 96-0

Governor signed March 19th

As priority legislation for ARNPs United of WA State, the bill adds nurse practitioners that are licensed in other states, to the current list of prescribers from which pharmacists can accept prescriptions. The bill was necessary to eliminate a barrier of access to care for Washingtonians who seek care outside of Washington and fill prescriptions at local pharmacies. After the Governor signed the bill, there is controversy over whether the bill allowed acceptance of prescriptions for controlled substances. ARNPs United will work with the Department of Health to clarify the issue.

ESHB 2876 (Moeller) Pain management

Passed House: 96-0

Passed Senate: 37-10

Passed Senate: 36-12

Passed House: 96-1

Governor signed March 25th with a partial veto

This legislation seeks to decrease accidental overdoses from opioid prescriptions. Washington has the highest opioid death rate in the country.

The amended bill directs the Nursing Care Quality Assurance Commission to write rules regarding pain management management. Commissions are to consider a number of issues during rule making, including special circumstances when dosage amounts maybe exceeded without consultation from a pain specialist, sufficient training and experience to exempt a practitioner from the specialty consultation requirement, guidance on tracking opioid use among others.

The bill originally passed with a requirement that each of the boards and commissions must report the proposed rules to the legislature before adoption. The Governor vetoed this section on the grounds that this interfered with legal authority delegated to the boards and commissions.

SHB 6248 (Keiser) Concerning the use of bisphenol A

Senate: 36-9

House: 96-1

Governor signed: March 19th

This bill bans the manufacture and sale of containers made with bisphenol A: water bottles, bottles, cups, other containers, but not metal cans whether or not the container is filled with liquid, food, or beverage for consumption by children under the age of three and sold or distributed at retail. WSNA, as member of the Washington Toxics Coalition, provided testimony on the negative health impacts of BPA on children and pregnant women.

2SHB 1165 (Morrell) Providing for the safe collection and disposal of unwanted drugs from residential sources through a producer provided and funded product stewardship program

Died in House: House Rules Committee

Injuries from prescription drug abuse now exceed motor vehicle accidents in Washington. This bill requires of unwanted medicines sold in Washington create and fund product stewardship programs to collect unwanted medicines from consumers and dispose of them at hazardous waste site facilities. All producers are required to participate in Department of Ecology approved programs by January 2012.

HB 6486 (Murray) Requiring hospitals to adopt policies concerning vaccination of health care workers

Died in Senate: Heard in Senate Health and Long Term

This legislation would require hospitals to adopt a mandatory vaccination policy with the following minimum requirements:

- Flu vaccine free of charge to employees
- Requirements to complete an educational program designed by the hospital for employees who refuse to be vaccinated
- Requires employees to sign documentation annual of refusal to vaccinate citing medical, religious, or philosophical objections
- Requires workers to wear a surgical mask if unvaccinated while caring for a patient with influenza
- Requires hospitals to report to DOH annually vaccination rates among workers
- Allows DOH to suspend requirements of this bill during a vaccine shortage
- Allows hospitals to adopt a stricter policy

The WSNA opposed this legislation because it is not consistent with the CDC Guidelines for flu prevention. It does not represent a comprehensive approach to flu prevention but focus only on the issue of vaccination. WSNA concerns also included the bill's approach to require documentation of an employee's refusal to vaccinate based on medical, religious, or philosophical objections; absence of requirements to follow CDC Guidelines for flu prevention, and use of surgical masks which have not been shown to protect against flu. The bill died in the Senate Health and Long Term Care Committee.

SHB 2764 (Conway) Relating to protecting employees from adverse employment actions because of influenza

Died in House: House Rules Committee

WSNA supported this bill which prohibits employers with 20 or more full time employees from terminating or discriminating against employees that are experiencing flu like symptoms, including when the Department of Health declares an influenza outbreak. Employees are allowed to file with the Department of Labor and Industries a complaint against an employer within 90 days and superior courts are given jurisdiction to restrain violations under this bill and reinstate an employee. The bill died in the House Rules Committee.

Senate Concurrent Resolution 8409 (Keiser) establishing a joint select committee on health reform implementation

Passed in Senate: 47-0

House: Voted out of House Committee on Health Care and Wellness

By resolution, returned to Senate Rules for third reading

1st Special Session

Senate: Placed on third reading by rules committee

Died in House: House Rules Committee

This resolution establishes a joint select committee on health reform implementation. Chairs of the Senate and House health committees with co-chair, leadership of the two largest caucuses and two appointed legislators will participate. Co-chairs may form advisory committees to develop areas of implementation such as insurance regulation, access to health insurance programs, and workforce development.

ESSB 6522 (Pflug) An act relating to establishing Accountable Care Organization pilot projects

Passed Senate: 48-0-1 excused

Passed House: 86-11-1 excused

Governor signed March 25th

Accountable Care Organizations are recognized in federal health reform as a method of innovative payment and practice reform to reduce health care costs. ACO's are collaborations of local entities such as a public health district, a hospital, clinics, and others. The medical home model is central to ACO's. The Health Care Authority is to appoint a lead organization by January 1, 2011 to support two pilot projects in Washington. This organization must represent health providers and payors as well as have expertise in medical practice payment and reform. Workgroups can be formed to accomplish goals of the bill. A report of findings to health committees of the Legislature is due 2013.

WSNA supported this bill as a member of the Primary Care Coalition (the intended "lead organization" in the bill) and expects to participate in the development pilot projects and workgroups. Pilot projects may be an opportunity for nurse practitioners.

HB 2956 (Pettigrew) Hospital assessment and safety net

Passed House: 78-19

Passed Senate: Referred to Ways and Means. By resolution, returned to House Rules for second reading

1st Special Session:

Passed House: By resolution, reintroduced and retained in present status
Rules committee relieved of any further consideration

71-22-5 excused

Passed Senate: 28-17-4 excused

Passed House: Refused to concur with Senate amendments, bill referred to conference committee

Passed Senate: Senate receded from amendments

25-15-8 excused

Passed House: House concurred in Senate Amendments

65-31-2 excused

Delivered to the Governor

The Washington State Hospital Association developed this bill in response to decreased reimbursement rates due to budget cuts. Hospitals are to pay a tax to generate state funds to qualify for additional

federal medicaid funds. Individual hospitals' tax rate varies depending on the volume of medicaid patients served. The more medicaid patients served, the lower the assessment on the hospital. The safety net assessment is estimated to generate 250 million dollars.

2SHB 2551 (Cody) Establishing the Vaccine Association

Passed House: 97-0

Passed Senate: 44-2

Passed House: 95-0

Governor Signed March 23rd

This bill establishes a nonprofit corporation to facilitate universal purchase of vaccines for children and assess health carriers and third-party administrators for the cost of vaccines for children under age 19. It also authorizes the Association board to recommend the termination of the Association after June 30, 2015. WSNA contributed to the development of the Association during the 2009 interim.

SHB 2706 (Cody) Concerning exemption from Immunization

Passed House: 82-15

Died in Senate: Senate Rules Committee

This bill creates new requirements for parents or guardians seeking an exemption from required school entry immunizations. They must provide a written certification from a health care practitioner (which include ARNPs) stating that the health care practitioner gave the person signing the certification form information about the benefits and risks of immunization. HB 2706 passed the House and the Senate Health and Long Term Care Committee but died in the Senate.

ESHB 2747 (Darneille) Limiting the use of restraints on pregnant women or youth.

Passed House: 95-0

Passed Senate: 46-0

Passed House: 93-1

Governor signed March 23rd

This bill prohibits restraints of any kind on any pregnant woman or youth in a correctional or detention facility while she is in labor, during childbirth, or in postpartum recovery; permits use of restraints only under extraordinary circumstances; requires the Washington Association of Sheriffs and Police Chiefs, Department of Corrections, DSHS, Juvenile Rehabilitation Administration, and Criminal Justice Training Commission to jointly develop an information packet for distribution on the requirements of this law; requires the information packet to be distributed to all medical and nonmedical staff involved in transporting pregnant women who are in the custody of a detention or correctional facility; requires notice of the requirements of this law to be provided to all women who are pregnant at the time of correctional custody; and requires conspicuous posting of these requirements in correctional facilities. WSNA supported the bill, including urging the Governor to sign.

ESHB 3072 (Morrell) Including wound care management in occupational therapy.

Passed House: 97-0

Died in the Senate: Senate Rules Committee

This bill makes wound care part of the occupational therapy scope of practice. An occupational therapist may provide wound care management, including sharp debridement, under the referral and direction of an authorized health care provider. The referring provider must examine the patient prior to the referral. An occupational therapist may become authorized to perform wound care management by submitting an affidavit to DOH attesting to education and training which must include 15 hours of mentored training in a clinical setting. An occupational therapist may become authorized to perform sharp debridement by completing at least 2,000 hours in clinical practice and an additional 15 hours of mentored sharp debridement training. The education and training requirements may also be satisfied if the occupational therapist is certified as a hand therapist or as a wound care specialist. HB 3072 passed the House and Senate Health & Long Term Care Committee, but died in the Senate Rules Committee. WSNA participated in the development of training requirements and testified with concerns. Additional discussion between stakeholders on this bill is expected during the 2010 interim.

ESSB 6582 (Keiser) Concerning nursing assistant credentialing.

Passed Senate: 46-0

Passed House: 67-29

Passed Senate: 48-0

Governor signed March 23rd

This bill authorizes nursing assistant training programs to recognize the relevant training and experience obtained by certified home care aides and medical assistants. The Nursing Commission must develop rules to implement this bill by July 1, 2011, in consultation with the DOH Secretary, DSHS, and representatives of consumers, employers, and workers. The DOH Secretary must begin reporting to the Governor and the Legislature beginning December 1, 2012 on progress made in achieving career advancement for certified home care aides and medical assistants into nursing practice. Persons enrolled in nursing assistant programs are exempt from the home care aide certification requirement.