

**Chapter 18.52C RCW
NURSING POOLS**

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RCW 18.52C.010 Legislative intent. The legislature intends 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. [1997 c 392 s 526; 1988 c 243 s 1.]

Short title—Findings—Construction—Conflict with federal requirements—Part headings and captions not law—1997 c 392: See notes following RCW 74.39A.009.

RCW 18.52C.020 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Adult family home" means a residential home licensed pursuant to chapter 70.128 RCW.
- (2) "Assisted living facility" means an assisted living facility licensed under chapter 18.20 RCW.
- (3) "Enhanced services facility" means an enhanced services facility licensed under chapter 70.97 RCW.
- (4) "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 provided under chapter 74.39A RCW.
- (5) "Health care personnel" means a registered nurse or licensed practical nurse as defined in chapter 18.79 RCW, a surgical technologist registered under chapter 18.215 RCW, a diagnostic radiologic technologist or cardiovascular invasive specialist certified under chapter 18.84 RCW, a respiratory care practitioner licensed under chapter 18.89 RCW, or a nursing assistant-certified as defined in RCW 18.88A.020 who is a temporary employee or a referred independent contractor of a nursing pool.
- (6) "Hospital" means a facility licensed under chapter 70.41 or 71.12 RCW.
- (7) "Long-term care personnel" means any person who qualifies as a long-term care worker as defined in RCW 49.95.010.
- (8) "Nursing home" means any nursing home facility licensed pursuant to chapter 18.52 RCW.

(9) "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. "Nursing pool" does not include an individual who only engages in providing his or her own services. "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.

(9) [(10)] "Person" includes an individual, firm, corporation, partnership, or association.

(10) [(11)] "Secretary" means the secretary of the department of health. [2023 c 100 s 1. Prior: 2012 c 10 s 36; 2001 c 319 s 3; 1997 c 392 s 527; 1991 c 3 s 130; 1988 c 243 s 2.]

Application—2012 c 10: See note following RCW 18.20.010.

Short title—Findings—Construction—Conflict with federal requirements—Part headings and captions not law—1997 c 392: See notes following RCW 74.39A.009.

RCW 18.52C.030 Registration required. (1) A person who operates a nursing pool shall register the pool with the secretary. Each separate location of the business of a nursing pool shall have a separate registration.

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

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

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

(3) The secretary shall establish administrative procedures, administrative requirements, and fees as provided in RCW 43.70.250 and 43.70.280. All fees or assessments levied by the state to cover the costs associated with this section shall be borne by the persons who operate nursing pools. [2023 c 100 s 2; 1996 c 191 s 28; 1991 c 3 s 131; 1988 c 243 s 3.]

RCW 18.52C.040 Duties of nursing pool—Application of uniform disciplinary act—Background checks. (1) The nursing pool shall document that each health care or long-term care personnel provided or referred to health care facilities currently meets the applicable minimum state credentialing requirements including, but not limited to: Licensure, certification, training, health requirements, and continuing education standards, for the health care or long-term care personnel's position in the health care facility.

(2) The nursing pool shall not require, as a condition of employment or referral, that employees or independent contractors of the nursing pool recruit new employees or independent contractors for the nursing pool from among the permanent employees of the health care

facility to which the nursing pool employee or independent contractor has been assigned or referred.

(3) The nursing pool shall 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: PROVIDED, That a nursing pool that only refers self-employed, independent contractors to health care facilities shall 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: AND PROVIDED FURTHER, That it shall require, 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.

(4) The nursing pool shall 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.

(5) A nursing pool may not, 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, require the payment of liquidated damages, employment fees, or other compensation if health care 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.

(6) Nursing pools shall provide to the secretary annually 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.

(7) The uniform disciplinary act, chapter 18.130 RCW, shall govern the issuance and denial of registration and the discipline of persons registered under this chapter. The secretary shall be the disciplinary authority under this chapter.

(8) The nursing pool shall conduct a background check on all health care and long-term care personnel as required under RCW 43.43.842 and 74.39A.056, and an exclusion verification as required under 42 U.S.C. Sec. 1320a-7, prior to employment or referral of the health care or long-term care personnel. [2023 c 100 s 4; 1997 c 392 s 528; 1991 c 3 s 132; 1988 c 243 s 4.]

Short title—Findings—Construction—Conflict with federal requirements—Part headings and captions not law—1997 c 392: See notes following RCW 74.39A.009.

RCW 18.52C.050 Registration prerequisite to state reimbursement.
No state agency shall allow reimbursement for the use of temporary health care personnel from nursing pools that are not registered pursuant to this chapter: PROVIDED, That individuals directly retained by a health care facility without intermediaries may be reimbursed. [1988 c 243 s 5.]

RCW 18.52C.060 Disclosure of data—Annual reports. (1) Nursing pools operating in Washington state shall report to the secretary annually the following information, at a minimum, by county in which the health care 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:

(a) The average amount charged by the nursing pool for health care or long-term care personnel by license type;

(b) The average amount paid by the nursing pool to health care or long-term care personnel by license type;

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

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

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

(2) The secretary shall produce an annual report to be made available on the department of health's website. The annual report shall include, at a minimum, the following information by county in which the health care 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:

(a) The average amount charged by nursing pools for health care or long-term care personnel by license type;

(b) The average amount paid by the nursing pool to health care or long-term care personnel by license type;

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

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

(e) The total number of placements made by each registered nursing pool. [2023 c 100 s 3.]

RCW 18.52C.070 Multistate nurse license—Conditions of employment. (1) Beginning September 1, 2023, and annually thereafter, individuals that hold a multistate nurse license issued by a state other than Washington and are employed by a nursing pool shall complete any demographic data surveys required by the board of nursing in rule as a condition of employment.

(2) Individuals that hold a multistate nurse license issued by a state other than Washington and are employed by a nursing pool shall complete the suicide assessment, treatment, and management training required by RCW 43.70.442(5)(a) as a condition of employment.

(3) Nursing pools shall report to the board of nursing, within 30 days of employment, all nurses holding a multistate license issued by a state other than Washington and an attestation that the employees holding a multistate license issued by a state other than Washington have completed the tasks required under this section as a condition of employment.

(4) This section is subject to enforcement by the secretary.
[2023 c 123 s 31.]

Short title—2023 c 123: See RCW 18.80.900.