



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 05, 2019

TIME: 10:45 AM

WSR 19-06-064

Agency: Department of Health- Nursing Care Quality Assurance Commission

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: WAC 246-840-035 Initial licensure for registered nurses. Regarding nurses who complete out-of-state nontraditional nursing education (Repeal). WAC 246-840-048 Students enrolled in a nontraditional nursing program (New). The Nursing Care Quality Assurance Commission (commission) repeals WAC 246-840-035 because the legislature repealed the authorizing statute. The commission also creates a new section of rules addressing the needs of students effected by the repeal of RCW 18.79.380. Anticipated to be the last, this fifth emergency rulemaking, with the exact same rule language, replaces the fourth emergency rule filed on 11/06/2018 as WSR 18-22-114 that expires on 03/05/2019. Permanent rulemaking is nearing completion with a CR-101 filed on 02/23/2018 as WSR 18-06-009, a CR-102 filed on 11/28/2018 as WSR 18-24-049 with a public hearing on 1/11/2019, and a CR-103P progressing towards intended filing by early spring 2019.

Citation of rules affected by this order:

- New: WAC 246-840-048
- Repealed: WAC 246-840-035
- Amended: N/A
- Suspended: N/A

Statutory authority for adoption: RCW 18.79.110

Other authority: HB 1721 (c. 203, L. 2017) repealing RCW 18.79.380, RCW 18.79.180, RCW 18.79.200

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: The repeal of RCW 18.79.380 Licensed practical nurse/nontraditional registered nurse program-Obtaining required clinical experience, effective 7/23/17, leaves a number of students currently enrolled in nontraditional nursing programs without an avenue to apply for licensure in Washington state after their graduation. Current national and state nursing education standards require faculty-directed clinical practice experiences at all levels of nursing education to develop both practical and clinical reasoning skills necessary for quality, safe patient care. No mechanism exists for these students to complete the required registered nurse practice experience in a safe, supervised manner. The commission establishes standards to ensure these students complete the required clinical practice experience. Ultimately, patient and public protection are most important. Supervision of students by qualified faculty members assures students receive quality learning experiences necessary to practice at a level to protect the public when the student obtains licensure as a registered nurse. This rule only impacts students currently enrolled in a nontraditional nursing program.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>1</u>	Amended	<u>0</u>	Repealed	<u>1</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted on the agency's own initiative:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>1</u>	Amended	<u>0</u>	Repealed	<u>1</u>

Date Adopted: 03/04/2019

Name: Paula R. Meyer, MSN, RN, FRE

Title: Executive Director, NCQAC

Signature:

Paula R. Meyer MSN, RN, FRE

NEW SECTION

WAC 246-840-048 Students enrolled in a nontraditional nursing program. This section applies to a licensed practical nurse (LPN) enrolled in a nontraditional LPN to registered nurse (RN) program on July 27, 2017, and describes the eligibility requirements for obtaining an interim permit.

(1) Graduates may apply for interim permits after degree confirmation by the nontraditional program.

(a) An LPN enrolled in a nontraditional nursing program on July 27, 2017, has until July 27, 2020, to complete the nontraditional program, as defined in WAC 246-840-010.

(b) An LPN successfully completing a nontraditional nursing program after July 27, 2020, must obtain licensure by endorsement by completing at least one thousand hours of practice as an RN and without discipline on the registered nurse license.

(2)(a) An LPN successfully completing the nontraditional nursing program and passing the National Council of State Boards of Nursing Registered Nurse Licensing Examination (NCLEX-RN®) may be eligible to receive an interim permit for the purpose of completing one thousand hours of clinical practice experience in the role of an RN.

(b) Only students licensed as an LPN in Washington state and identified by the nontraditional program on July 27, 2017, will be considered eligible to obtain initial licensure from the commission under this section.

(3) An LPN successfully completing a nontraditional nursing program as identified in subsection (2)(b) of this section must:

(a) Submit a completed RN application indicating the need for an interim permit with the required fee, as defined in WAC 246-840-990;

(b) Request an official transcript be sent directly to the commission from the nontraditional nursing education program confirming a conferred associate degree in nursing;

(c) Successfully pass the National Council of State Boards of Nursing Registered Nurse Licensing Examination (NCLEX-RN®);

(d) Complete one thousand hours of practice under an interim permit in the role of an RN; and

(e) Provide documented evidence from a commission approved supervising licensed RN documenting the interim permit holder successfully completed the one thousand hours of practice in an RN role.

(4) The supervising RN from the acute care, skilled nursing, or transitional care facility must:

(a) Submit a commission approved application;

(b) Have an active, unencumbered RN license;

(c) Attest to not being related to or personal friends of the interim permit holder;

(d) Have three years experience as an RN;

(e) Have demonstrated teaching and mentoring skills; and

(f) Be able to evaluate, with input from others, the practice of the interim permit holder in the role of an RN.

(5) The interim permit expires one year after the submission of the application and is not renewable.

(6) An interim permit holder who does not successfully fulfill the practice requirements, as identified in subsection (3)(c) and (d) of this section, does not meet the requirements for licensure by examination as an RN in the state of Washington.

(7) The holder of the interim permit is subject to chapter 18.130 RCW, Regulation of health professionals—Uniform Disciplinary Act.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-840-035	Initial licensure for registered nurses —Out-of-state nontraditional nursing education program approved by another United States nursing board as defined by WAC 246-840-010(16).
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