

OFFICIAL STATE CABINET AGENCY RESPONSE TO THE PERFORMANCE AUDIT ON NURSING CARE QUALITY ASSURANCE COMMISSION – OPPORTUNITIES ARE PRESENT TO SUPPORT EFFORTS BY THE COMMISSION TO SPEED LICENSING – MAY 11, 2023

The Nursing Care Quality Assurance Commission (NCQAC) and the Office of Financial Management (OFM) provide this management response to TAP International, Inc.’s performance audit report received on April 12, 2023.

PERFORMANCE AUDIT OBJECTIVES

The Washington State Legislature requested the State Auditor’s Office to conduct a performance audit of NCQAC’s licensing process. The State Auditor’s Office contracted with TAP International, Inc. in 2022 to address these performance audit objectives:

1. How long does NCQAC take to process permanent licenses for out-of-state applicants?
 2. What factors, if any, contribute to possible delays in the out-of-state licensing process?
 3. What could NCQAC do to improve licensing processes for out-of-state applicants?
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Recommendations to the NCQAC in brief: TAP International makes ten recommendations to speed licensing and keep pace with application growth.

Recommendations 1-4 ask NCQAC to work, when necessary, with the Washington State Legislature to update existing licensing requirements and promote the state’s intent to protect public safety.

1. Modify requirements for FBI background checks, allowing NCQAC greater flexibility, such as allowing background check exemptions if the applicant can demonstrate a recently completed FBI background check.

STATE RESPONSE: [Substitute Senate Bill 5499](#), the Multistate Nurse Licensure Compact, was passed by the 2023 Legislature and recently signed by the governor. It takes effect on July 23, 2023. The compact requires FBI criminal background checks on all applicants for multistate licenses.

[RCW 18.130.064](#) directs the Secretary of the Department of Health in the collection of criminal background checks on applicants. NCQAC welcomes the opportunity to work with the Secretary of Health and all health professions on the requirements for criminal background checks.

Action Steps and Time Frame

- Develop the Nurse Licensure Compact implementation plan, including FBI criminal background checks on all applicants. *By December 31, 2024.*
 - Explore amending RCW 18.130.064 with the Health Systems Quality Assurance to improve the collection of FBI criminal background checks. *By September 30, 2023.*
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2. Eliminate the requirement for transcripts from NCQAC-approved, nationally accredited nursing schools and allow NCQAC the discretion to request transcripts when needed.

STATE RESPONSE: We disagree with this recommendation for safety reasons. [RCW 18.79.160](#) requires transcripts for licensure.

Eliminating the requirement to verify graduation from an approved nursing education program with official

transcripts adds risk to the public and NCQAC. For example, a nurse who did not complete a legitimate nursing education program could be inadvertently licensed if we do not verify education.

We already have adjudication of fraudulent schools of nursing from Florida underway. NCQAC is working with the FBI and other boards of nursing to address over 7,600 nursing licenses, known as Operation Nightingale. In Washington, 150 nurses were identified as graduating from the Florida schools of nursing associated with Operation Nightingale. To date, NCQAC has rescinded 24 RN licenses and denied 15 applications from nurses associated with Operation Nightingale.

Additionally, a school may be accredited without an individual student completing the entire nursing education program. Review of official transcripts verifies that the individual attended and completed the approved program. Evaluation of course content and program completion also are critical actions to ensure Washington state nursing education requirements are met and the public is protected.

Action Steps and Time Frame: N/A

3. Update the license application to collect the applicant's state of residency, physical and mailing address, and modify the criteria to initiate an FBI background check based on the risk to public safety.

STATE RESPONSE: The governor recently signed SSB 5499, the Multistate Nurse Licensure Compact. NCQAC will develop an implementation plan that includes enacting the rules requiring FBI criminal background checks on all applicants for a multistate license, no later than December 31, 2024. Currently, 39 U.S. jurisdictions are members of the Nurse Licensure Compact. Multistate licensees must have an FBI criminal background check to hold a multistate license. The National Council of State Boards of Nursing (NCSBN) is striving to have the Nurse Licensure Compact be the standard for all states, rather than the single state and multistate methods that exist now.

Action Steps and Time Frame

- Explore amending RCW 18.130.064 with the Health Systems Quality Assurance to improve the collection of FBI criminal background checks. *By September 30, 2023.*
 - Explore updating the license application to capture additional applicant information up front. *By September 30, 2023.*
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4. Update the WAC to allow out-of-state applicants from non-traditional nursing schools to be eligible for licensure upon completing 1,000 hours of clinical experience within Washington State.

STATE RESPONSE: NCQAC disagrees with this recommendation. [WAC 246-840-048](#) was adopted because the method of education and testing used by the Excelsior College nursing program in New York did not meet Washington state standards. This program did not provide clinical experiences for its students, and it tested students on a weekend at testing centers located in a few cities in the United States.

NCQAC did significant research and sought stakeholder input in preparing the new rule. WAC 246-840-048 requires an individual who did not complete our state's licensing requirements by July 27, 2020, to complete 1,000 hours of nursing practice in another state in order to become endorsed in Washington state. Allowing these individuals to obtain their 1,000 hours of clinical practice in Washington state prior to licensure would constitute practicing without a license, in violation of [RCW 18.79.030](#). The only individuals who completed 1,000 hours of clinical practice in Washington state without a license would have been practicing under the authority of [Chapter 70.15 RCW](#) and a declared state of emergency.

Action Steps and Time Frame: N/A

Recommendation 5 addresses performance monitoring.

5. Establish goals and compute a measure(s) that provides for other assessments of licensing timeliness and performance. Options to consider include:
 - a. Establish goals and compute measures for overall and specific timeliness across applications measuring the actual application processing time, including out-of-state applications, from application receipt to license issuance.
 - b. Establish goals and compute measures capturing the application process to provide quantitative data on timeliness or delays, which NCQAC does and does not control, to pinpoint areas for improvement and increased timeliness. These measures should individually capture the timeliness of the intake, background, and educational review processes.
 - c. Develop and administer a customer satisfaction survey to gauge customer experiences with licensing timeliness.

STATE RESPONSE: NCQAC welcomes the opportunity to develop and implement meaningful performance measures for licensing processes.

[RCW 18.79.390\(5\)](#) requires NCQAC and the Department of Health to develop performance measures. Prior to the pandemic, NCQAC used a robust system of performance measures, including licensing measures. NCQAC and DOH are revising their joint operating agreement that includes developing meaningful performance measures. Implementation of the Health Enforcement and Licensing Management (HELMS) database in April 2024 may enhance this data collection.

Additionally, implementation of the Nurse Licensure Compact will include data collection and research to evaluate the licensing and disciplinary outcomes.

Action Steps and Time Frame

- Negotiate and sign the joint operating agreement at the July NCQAC meeting. *By July 31, 2023.*
- Work with HSQA to develop meaningful performance measures. *By January 31, 2024.*
- Share outcomes and best practices to measure performance outcomes with DOH and publicly display them on the NCQAC website. *By February 28, 2024.*

Recommendations 6-7 address hastening the licensing process until the new licensing information system is fully implemented.

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6. Purchase and implement automated technologies like artificial intelligence bots to scan and extract relevant application information versus manually entering licensing applications into ILRS.

STATE RESPONSE: NCQAC agrees that the use of new technologies should be explored but disagrees with this recommendation since NCQAC and DOH are in the process of implementing a new technology, HELMS. To purchase, program, implement and then interface with another system at this time may be counterproductive and time-consuming for staff who will be testing and implementing the HELMS system. Implementation of HELMS should include process efficiencies, automations, and advanced technologies, which will significantly reduce the need for manual data entry. The implementation date of HELMS is slated for April 2024.

Action Steps and Time Frame: N/A

7. Continue to issue temporary practice permits for applicants, pending receipt of results of federal background checks.

STATE RESPONSE: NCQAC agrees with this recommendation and the continued performance measures reporting.

Action Steps and Time Frame

- NCQAC will revise [WAC 246-840-095](#) with reasonable deadlines for the collection of FBI fingerprints and issue temporary practice permits. *By December 31, 2023.*
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Recommendations 8-10 address scalability of the licensing process.

8. Establish a pilot program to expedite the endorsement application process by incorporating a risk-based approach to licensing that considers the following options: (1) Establish reciprocal licensing agreements with states with similar licensing requirements as NCQAC to allow for an expedited licensing review for nurses already licensed in those states, or (2) Monitor licensees for complaints and discipline and use advanced analytics to identify common factors – such as nursing school or type of license—among the licensed professionals with no or low levels of complaints or discipline, and allow for immediate Temporary Practice Permit (TPP) issuance upon application receipt for these lowest-risk groups.

STATE RESPONSE: The governor recently signed SSB 5499, the Multistate Nurse Licensure Compact, which creates the ability for nurses who already hold a multistate license in one of the other participating 39 U.S. jurisdictions to practice immediately in Washington state. We will develop an implementation plan that includes enacting rules that require FBI criminal background checks on all applicants for a multistate license no later than December 31, 2024.

Action Steps and Time Frame:

- Implement the Nurse Licensure Compact requiring Washington to be a member of the Compact Administrators Commission. The commission collects data and research associated with the compact. NCQAC will adopt rules to fully implement the compact. *By December 31, 2025.*
 - Fully implement HELMS to aid with data collection and analysis. *By December 31, 2024.*
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9. Modify the licensing process to minimize the number of touches by different staff by adopting an alternative staffing strategy, which includes expanding the areas that individual staff can review.

STATE RESPONSE: NCQAC will consider this recommendation. The current process of intake, review and approval by all health professions was adopted due to an audit finding in the 1990s. With HELMS, the intake, review, and approval processes are required. A pilot project to investigate alternative processes may discover effective methods to further protect against unqualified applicants and increase efficiency.

The Health Systems Quality Assurance (HSQA) is currently working on a credentialing process that may identify efficiencies. HSQA and NCQAC will work together to apply any lessons learned from the credentialing process.

Action Steps and Time Frame

- Consider the findings of the HSQA credentialing process review and explore recommendations for efficiencies gained and process improvements. *By December 31, 2024.*

- Explore systems used by other state boards of nursing. *By December 31, 2024.*
 - Explore systems used by other licensing agencies in the state of Washington. *By December 31, 2024.*
 - Work with the Council of Enforcement and Licensing (CLEAR) and Federated Associations of Regulatory Boards (FARB) to gather information on licensing processes. *By December 31, 2024.*
 - Compare outcomes of all four data collections and identify similarities and differences and present the findings to the Department of Health. *By July 1, 2026.*
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10. Dedicate staff to process specific types of licensing applications versus assigning staff based on exam, endorsement, or international.

STATE RESPONSE: NCQAC disagrees with this recommendation until the outcomes of the action steps in Recommendation 9 are complete. The data collection and analysis described in Recommendation 9 will provide evidence to inform changes.

Action Steps and Time Frame: Deferred until after the actions are complete for Recommendation 9.
