

# AAPPN 2022 Legislative Summary

## Sine Die 2022

At 11:35 pm on Thursday, March 10, the 67<sup>th</sup> biennium of the Washington State Legislature came to a close, with lawmakers passing a range of bills addressing important issues facing the state. In addition, the supplemental operating budget includes investments in child care and early learning, behavioral health, homeless youth and young adults, people with low incomes, child welfare, kinship care, and more. This report highlights AAPPN priorities that will become law in 2022.

## Washington's second "Digital Legislative Session"

This session began in the darkness of the Omicron surge and ended in optimism 24 hours and 25 minutes before the expiration of Washington's indoor mask mandate. And yet, this session bore many of the same COVID-19 restrictions as last session, most notably the closure of offices to constituents and lobbyists wishing to meet with members and staff in person.

Majority Democrats came to Olympia this year with two high-profile priorities at the top of their list – fixes to the long-term care program and to police reforms passed last session. Both topics were addressed in short order. Additionally, for the second year in a row, leadership asked members to introduce no more than 7 new bills, and chairs to limit the number of bills passed out of committee to ease the burden of a mostly virtual session. Democratic Leadership also requested members limit the focus of their bills to "Serve Washingtonians Better, Strengthen Economic Well-Being, Advance Racial Equality and Justice, and Address the Climate Crisis." During the 2019/20 biennium, legislators introduced 2408 bills and passed 868. Members narrowed their focus during the 2021/22 biennium, introducing 1559 bills and passing 307 bills.

The narrowed policy focus again paid off, with Majority Democrats checking off many of the items on their to-do list. Typically, bills passed during the second year of a biennium, the short 60-day session, are less bold than the major laws passed in the first 120-day session. The second year is also a major election year, with the entire House and half the Senate appearing on the ballot. The upcoming election cycle, along with numerous retirements (most notably Rep. Eileen Cody, the chair of the House Healthcare Committee) will undoubtedly result in some fresh faces in Olympia next session.

While a number of AAPPN priorities passed this session, below are two that ran into significant roadblocks:

### **5704 (Randall, D-26) - Equitable Reimbursement for ARNPs**

While the reimbursement equity bill failed to pass again this year, we made significant progress. The bill was actively supported by the Governor's Office and the Healthcare Authority (HCA), as well as the WA State Labor Council and a significant number of labor unions. Senators Randall and Cleveland were co-sponsors and with their support and another great bill hearing, we passed SB 5222 out of the Senate Healthcare Committee, even picking up one Republican vote. We fell short of a hearing in Senate Ways and Means (the fiscal committee) before the deadline. This decision reflects the stiff opposition by the WSMA, insurance associations, and the time constraints presented by the short, virtual session. We will look to use the momentum gained with the Governor and HCA to continue work on this issue in 2023.

### **1141 (Rude, R-16) - Amending Death with Dignity Statute**

This bill seeks to remove barriers to access of the law by expanding the provider types that may participate (*including adding psych. NPs to the counseling role*), shortening the waiting period and other small changes. HB 1141 was passed out of the House and sent to the Senate, where it met strong opposition physicians and the disability rights community. Despite being scheduled for a hearing, the bill was never brought up for executive session and died. Ultimately, there was not enough support within the committee to move it forward given its controversial nature and the time constraints. A budget proviso was accepted to fund a study within the University of Washington over the summer. The study will examine the barriers the bill is seeking to address and a report will be delivered to the legislature before next session.

### **AAPPN Priorities that were passed by the Legislature**

**1821 (Schmick, R-9)** - Changes the definition of established relationship for purposes of reimbursement for audio-only telemedicine. (3 years for behavioral health services, 2 years for all other health services).

**1773 (Taylor, D-30)** - Revises the definition of "in need of assisted outpatient behavioral health treatment" under the Involuntary Treatment Act. Establishes a new procedure for designated persons to directly file a petition in superior court for up to 18 months of assisted outpatient treatment (AOT), and establishes requirements and procedures for the petition process. Requires the AOT petition to be served on the prosecutor, who must review the petition and, if the petition meets the requirements of law, schedule a court hearing and serve the respondent. Provides that less restrictive alternative (LRA) treatment may include a requirement to participate in partial hospitalization. Allows for revocation of an LRA order based on a person being in need of AOT on the same grounds as for other LRA orders. Amends the law governing behavioral health treatment for minors to allow commitments based on AOT for adolescents aged 13 to 17.

**5664 (Dhingra, D-45)** - Establishes procedures for removal of a defendant from an outpatient competency restoration program (OCR) when the program is no longer clinically appropriate. Requires the Department of Social and Health Services (DSHS) to provide written notice to the court when it will exceed the maximum time for providing a competency to stand trial service and an estimate of the additional time required. Requires a defendant to agree to urinalysis and breathalyzer monitoring to participate in an OCR. Provides liability protection for peace officers and agency personnel who participate in detaining individuals for medical clearance or forensic treatment. Allows a party to a criminal case to request competency to stand trial status check from DSHS at reasonable intervals when a defendant ordered to be admitted to a state hospital for competency services has been waiting over 21 days for state hospital admission. *(Psych. ARNP language added at our request via Dhingra amendment)*

**2007 (Slatter, D-48)** - Establishes the Nurse Educator Loan Repayment Program under the Washington Health Corps.

**5799 (Robinson, D-38)** - Exempts provider clinics and affiliated organizations from the workforce education investment surcharge.

**5644 (Wagoner, R-39)** - Requires the University of Washington (UW) to collaborate with stakeholders in the field of co-response to establish regular opportunities for training and exchange of best practices. The UW must also create an assessment of current capacities and characteristics of co-response teams and recommendations for future state goals; develop model curricula for training members of co-response teams; and host an annual conference starting in 2023 that draws state and national co-response team members.

**5736 (Frocht, D-46)** - Allows Managed Care Organizations and Behavioral Health Administrative Services Organizations to provide partial hospitalization and intensive outpatient services to persons under 21 years of age within available funding. Directs the Health Care Authority to add coverage for partial hospitalization and intensive

outpatient services for persons under 21 years of age to the Medicaid State Plan by January 1, 2024, subject to approval by the Centers for Medicare and Medicaid Services.

**5793 (C Wilson, D-30)** - Authorizes stipends and reimbursement of other expenses for eligible individuals participating in class one groups. Requires agencies issuing stipends to report to the Office of Equity by August 30, 2023. Requires the Office of Equity to compile agency responses and report to the Governor and Legislature by August 30, 2024.

**5847 (Lias, D-21)** - Requires the Student Loan Advocate (Advocate) to create and provide information on the Public Service Loan Forgiveness (PSLF) program to public service employees (employees) annually. Requires the Office of Financial Management (OFM) to develop a program for state agencies to certify employment for the purposes of PSLF by July 1, 2023. Requires OFM to work with certain entities to develop a plan for a state initiative for increasing access and removing barriers for PSLF for all public service employees by December 1, 2024. Establishes a calculation for part-time academic employees' duties outside of assigned in-class teaching to be counted towards full-time employment for the purposes of PSLF.

### High Priority Bills

Bill #	Abbrev. Title	Short Description	Status	Sponsor	Position
<a href="#">SHB 1773</a> (SB 5645)	Assisted outpatient treat.	Concerning assisted outpatient treatment for persons with behavioral health disorders.	Del to Gov	Taylor	Support
<a href="#">ESHB 1821</a>	Telemedicine/relationship	Concerning the definition of established relationship for purposes of audio-only telemedicine.	Del to Gov	Schmick	Support
<a href="#">HB 2007</a>	Nurse educator loans	Establishing a nurse educator loan repayment program under the Washington health corps.	Del to Gov	Slatter	Support
<a href="#">SSB 5799</a>	Workforce surcharge/clinics	Modifying the application of the workforce education investment surcharge to provider clinics and affiliated organizations.	Del to Gov	Robinson	Support

### Medium Priority Bills

Bill #	Abbrev. Title	Short Description	Status	Sponsor	Position
<a href="#">SSB 5644</a>	Behavioral health co-response	Concerning providing quality behavioral health co-response services	Del to Gov	Wagoner	Support
<a href="#">2SSB 5664</a>	Forensic competency programs	Concerning forensic competency restoration programs.  Dhingra Amendment: Allows psychiatric advanced registered nurse practitioners to provide competency evaluations, provide expert testimony in criminal insanity proceedings, and to make decisions on behalf of forensic mental health facilities.	Del to Gov	Dhingra	Support
<a href="#">2SSB 5736</a>	Minors/behavioral health	Concerning partial hospitalizations and intensive outpatient treatment services for minors.	Del to Gov	Froct	Support
<a href="#">2SSB 5793</a>	State boards, etc./stipends	Concerning stipends for low-income or underrepresented community members of state	Del to Gov	Wilson	Support

		boards, commissions, councils, committees, and other similar groups.			
<a href="#">ESSB 5847</a>	Public employee PSLF info.	Providing information to public service employees about the public service loan forgiveness program.	Del to Gov	Liias	Support

### Monitoring Bills

Bill #	Abbrev. Title	Short Description	Status	Sponsor	Position
<a href="#">SHB 1800</a>	Behavioral health/minors	Increasing access to behavioral health services for minors.	Del to Gov	Eslick	