



EXPEDITED RULE MAKING

CR-105 (June 2024) (Implements RCW 34.05.353)

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STATE OF WASHINGTON
FILED

DATE: August 31, 2026

TIME: 7:46 AM

WSR 26-18-054

Agency: Department of Health – Washington State Board of Nursing

Title of rule and other identifying information: Substance Use Disorder Monitoring Program Provisions for Nursing Assistants. The Washington State Board of Nursing (board) is proposing a new rule section, WAC 246-841A-840 to implement House Bill (HB) 2340 (chapter 59, Laws of 2026) that updates RCW 18.79.440, establishing the same program for nursing assistants as currently available to registered nurses and licensed practical nurses. The new rule section extends substance use disorder (SUD) monitoring program provisions to nursing assistants.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this expedited rulemaking is to implement the SUD stipend program provisions for nursing assistants as directed by HB 2340.

The proposed new rule section, WAC 246-841A-840, will mirror language found in WAC 246-840-790, Substance use disorder monitoring stipend program, which establishes the application and eligibility requirements for the SUD stipend program. WAC 246-840-790 applies to registered nurses and licensed practical nurses only. As of July 1, 2026, nursing assistants are eligible to apply for the stipend program if participating in the board's approved SUD monitoring program and funds are available.

The proposed rule establishes a nursing assistant SUD stipend program, as required by statute.

Reasons supporting proposal: The new rule section is needed to carry out the intent of HB 2340 because it incorporates, without material change, eligibility and application requirements from WAC 246-840-790 for the same substance use disorder monitoring stipend program.

Statutory authority for adoption: RCW 18.79.010, 18.79.110, 18.88A.060, and 18.130.175

Statute being implemented: House Bill (HB) 2340 (chapter 59, Laws of 2026) codified as RCW 18.79.440.

Is rule necessary because of a:

Federal Law?

☐ Yes

☒ No

Federal Court Decision?

☐ Yes

☒ No

State Court Decision?

☐ Yes

☒ No

If yes, CITATION:

Name of proponent: Washington State Board of Nursing

☐ Private

☐ Public

☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting: Bonnie King	111 Israel Rd SE, Tumwater, WA 98501	360-236-3538
Implementation: Heather Martin	111 Israel Rd SE, Tumwater, WA 98501	360-890-0437
Enforcement: Heather Martin	111 Israel Rd SE, Tumwater, WA 98501	360-890-0437

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- ☐ Relates only to internal governmental operations that are not subject to violation by a person;
- ☒ Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- ☐ Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- ☒ Content is explicitly and specifically dictated by statute;
- ☐ Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- ☐ Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- ☐ The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- ☐ The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- ☐ The rule is no longer necessary because of changed circumstances; or
- ☐ Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353: The basis for adopting this language for nursing assistants under expedited rulemaking is that HB 2340 added nursing assistants to the list of licensees eligible for the CARES stipend program. By adopting exact language already adopted for nurses for nursing assistants, the bill is effected under RCW 34.05.353(1)(b). Specific language regarding eligibility found in WAC 246-840-790 but not found in HB 2340 will also be added and is supported by RCW 34.05.353(1)(d).

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

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Other: None

BEGINNING (date/time) At the date and time of this filing. **AND RECEIVED BY** November 2, 2026 at 11:59 p.m.

Date: August 25, 2026

Name: Alison Bradywood DNP, MN/MPH, RN, FAAN

Title: Executive Director, Washington State Board of Nursing

Signature:



NEW SECTION

WAC 246-841A-840 Stipend program of the approved substance use disorder monitoring program. (1) Applicants shall meet the requirements in RCW 18.79.440 to be eligible for the stipend program of the approved substance use disorder monitoring program. All disbursements of stipend program funds are subject to availability of budgeted funds.

(2) To be eligible for the stipend program, a person shall:

(a) Hold an active, inactive, or suspended license issued pursuant to this chapter;

(b) Submit an application on forms provided by the board;

(c) Be actively participating in the approved substance use disorder monitoring program or have completed the approved substance use disorder monitoring program within six months of submission of an application for the stipend program; and

(d) Have a demonstrated need for financial assistance with the expenses incurred in connection with participation in the approved substance use disorder monitoring program.

(3) A person is not eligible for the stipend program if they have previously applied for and participated in the stipend program and had benefits paid on their behalf from the stipend program.

(4) The board may defray up to 80 percent of each out-of-pocket expense deemed eligible for defrayment under this section. The board will not pay stipend program funds directly to any person participating in the stipend program. The board will pay out-of-pocket expenses directly to entities providing services to the person participating in the stipend program.

(5) Out-of-pocket expenses eligible for defrayment under this section include the costs of substance use evaluation, treatment, other ancillary services, including drug testing, participation in professional peer support groups, and any other expenses deemed appropriate by the board.

(6) A person participating in the stipend program established in this section shall document and submit their out-of-pocket expenses in a manner specified by the board.

(7) Eligibility:

(a) A person may participate in the stipend program by having the stipend program defray authorized out-of-pocket expenses for one monitoring contract period only, including extensions of the contract monitoring period directed by the approved substance use disorder monitoring program.

(b) An applicant who was approved for the stipend program for a monitoring contract period without having benefits paid from the stipend program on their behalf, and later reenters the approved substance use disorder monitoring program, may be approved to participate in the stipend program.

(c) Stipend program applications are approved for a 12-month period. Persons participating in the stipend program shall submit an application every 12 months to renew their participation in the stipend program.

(d) A person may participate in the stipend program for a maximum of five years from the approval date of the initial stipend program application. Eligibility for the stipend program terminates upon successful completion of or discharge from the approved substance use disorder monitoring program.

(e) An applicant who previously applied for the stipend program but whose application was denied is eligible to reapply if the applicant's financial circumstances have changed.

(8) To establish financial need for the stipend program, a person shall provide documentary proof that total household income is less than 400 percent of the federal poverty level as determined under 42 U.S.C. 9902(2) and published annually by the U.S. Department of Health and Human Services.

(9) Application forms and documentary proof provided to the board under this section by applicants will be submitted under penalty of perjury and, if shown to be false, could subject the applicant to criminal penalties or other adverse action including, but not limited to, adverse action for moral turpitude, misrepresentation, or fraud.

(10) The stipend program may defray the cost of eligible out-of-pocket expenses incurred by a stipend program participant up to six months prior to application submission.

(11) The board may adopt, publish, and use procedures, forms, guidelines, and other documents necessary for implementation of this rule. Such procedures, forms, guidelines, and documents may be revised, amended, or discontinued as necessary in the sole discretion of the board.