

**RCW 18.79.390 Secretary and commission relationship.** (1) The secretary shall employ an executive director that is:

(a) Hired by and serves at the pleasure of the \*commission;

(b) Exempt from the provisions of the civil service law, chapter 41.06 RCW and whose salary is established by the \*commission in accordance with RCW 43.03.028; and

(c) Responsible for performing all administrative duties of the \*commission, including preparing an annual budget, and any other duties as delegated to the executive director by the \*commission.

(2) Consistent with the budgeting and accounting act, the \*commission is responsible for proposing its own biennial budget which the secretary must submit to the office of financial management.

(3) Prior to adopting credentialing fees under RCW 43.70.250, the secretary shall collaborate with the \*commission to determine the appropriate fees necessary to support the activities of the \*commission.

(4) Prior to the secretary exercising the secretary's authority to adopt uniform rules and guidelines, or any other actions that might impact the licensing or disciplinary authority of the \*commission, the secretary shall first meet with the \*commission to determine how those rules or guidelines, or changes to rules or guidelines, might impact the \*commission's ability to effectively carry out its statutory duties. If the \*commission, in consultation with the secretary, determines that the proposed rules or guidelines, or changes to existing rules or guidelines, will negatively impact the \*commission's ability to effectively carry out its statutory duties, then the individual \*commission shall collaborate with the secretary to develop alternative solutions to mitigate the impacts. If an alternative solution cannot be reached, the parties may resolve the dispute through a mediator as set forth in subsection (6) of this section.

(5) The \*commission shall negotiate with the secretary to develop performance-based expectations, including identification of key performance measures. The performance expectations should focus on consistent, timely regulation of health care professionals.

(6) In the event there is a disagreement between the \*commission and the secretary, that is unable to be resolved through negotiation, a representative of both parties shall agree on the designation of a third party to mediate the dispute.

(7) The secretary shall employ staff that are hired and managed by the executive director provided that nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement.

(8) By December 31, 2013, the \*commission must present a report with recommendations to the governor and the legislature regarding:

(a) Evidence-based practices and research-based practices used by boards of nursing when conducting licensing, educational, disciplinary, and financial activities and the use of such practices by the \*commission; and

(b) A comparison of the \*commission's licensing, education, disciplinary, and financial outcomes with those of other boards of nursing using a national database. [2013 c 81 § 5; 2011 c 60 § 8; 2008 c 134 § 30.]

**\*Reviser's note:** The reference to "nursing care quality assurance commission" was changed to "board of nursing" by 2023 c 123.

**Effective date—2013 c 81:** See note following RCW 18.25.0167.

**Effective date—2011 c 60:** See RCW 42.17A.919.

**Finding—Intent—Severability—2008 c 134:** See notes following RCW 18.130.020.