
HOUSE BILL 1409

State of Washington

53rd Legislature

1993 Regular Session

By Representatives Flemming, Mielke, Leonard, Dyer, R. Johnson, Thibaudeau, Cooke, King, H. Myers, Ballasiotes, Wineberry, Jones, Roland, Romero, Campbell, Rayburn, Orr and J. Kohl

Read first time 01/27/93. Referred to Committee on Health Care.

1 AN ACT Relating to health treatment for individuals with
2 developmental disabilities; amending RCW 18.88A.020; and adding new
3 sections to chapter 71A.10 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 71A.10 RCW
6 to read as follows:

7 (1) In order to enhance the independence and to protect the health
8 and safety of people with developmental disabilities, community
9 residential programs certified by the department of social and health
10 services under chapter 71A.12 RCW and adult family homes licensed under
11 chapter 70.128 RCW may permit certain staff who are employed as direct
12 care staff who have been trained and have registered as nursing
13 assistants specializing in developmental disabilities as required in
14 section 3 of this act to administer the following medications or
15 treatments to persons with developmental disabilities:

- 16 (a) Oral medication;
17 (b) Topical medication;
18 (c) Nose, ear, and eye drops;
19 (d) Suppositories;

- 1 (e) Home glucose testing and monitoring procedures;
2 (f) Enemas packaged in unit doses only;
3 (g) Prescribed emergency procedures to treat identified
4 anaphylactic reactions;
5 (h) Insulin injections, under conditions provided in subsection (4)
6 of this section; and
7 (i) Gastrostomy tube feedings, under conditions provided in
8 subsection (4) of this section.

9 (2) Treatment authorized by this section must be prescribed by a
10 health care practitioner licensed under Title 18 RCW and who has
11 prescriptive authority, acting within the scope of his or her license,
12 and may be administered only after proper training as specified in
13 subsection (3) of this section.

14 (3) A registered nurse licensed under chapter 18.88 RCW must train
15 the nursing assistant specializing in developmental disabilities.
16 Training shall include the following:

17 (a) Teaching of the nursing assistant specializing in developmental
18 disabilities the task, including, the nature of the condition requiring
19 treatment, risks of the treatment, side effects, and interaction of
20 prescribed medications;

21 (b) Observation of the nursing assistant specializing in
22 developmental disabilities performing the task to assure that the
23 nursing assistant specializing in developmental disabilities does the
24 task safely and accurately;

25 (c) Written instructions for performance of the task for the
26 nursing assistant specializing in developmental disabilities to use as
27 a reference;

28 (d) Instructions to the nursing assistant specializing in
29 developmental disabilities that the task being taught is specific to
30 this client only and is not transferable to other clients or taught to
31 other care providers;

32 (e) Documentation of how the task was taught, the teaching outcome,
33 the content and type of instructions left for the nursing assistant
34 specializing in developmental disabilities, evidence that the nursing
35 assistant specializing in developmental disabilities understands risks
36 involved in performing the task and has a plan for how to respond to
37 the consequences, and evidence that the nursing assistant specializing
38 in developmental disabilities was instructed that the task is client-
39 specific and not transferable to other clients or providers;

1 (f) Performance of the administration of medications or treatments
2 by nursing assistants specializing in developmental disabilities
3 authorized in this section shall be reviewed at least annually by a
4 registered nurse.

5 (4) A registered nurse may delegate administration of subcutaneous
6 insulin injections and gastrostomy, but not nasogastric, tube feedings
7 to a nursing assistant or assistants specializing in developmental
8 disabilities specific to one client under the following conditions:

9 (a) The registered nurse shall consider the nature of the task to
10 be provided, its complexity, risk involved, and the necessary skill
11 needed;

12 (b) The registered nurse shall assess the client's condition and
13 determine that there is not a significant risk to the client if the
14 nursing assistant specializing in developmental disabilities performs
15 the task in the absence of direct supervision;

16 (c) The registered nurse shall determine how frequently the
17 client's condition shall be reassessed to determine the appropriateness
18 of the continued delegation of the task to a nursing assistant
19 specializing in developmental disabilities;

20 (d) If there is some risk involved to the client, the registered
21 nurse shall determine that the nursing assistant specializing in
22 developmental disabilities is prepared to respond effectively to the
23 consequences;

24 (e) The registered nurse shall assess the ability of the nursing
25 assistant specializing in developmental disabilities to perform the
26 task;

27 (f) The registered nurse shall determine the frequency of
28 supervision of the nursing assistant specializing in developmental
29 disabilities;

30 (g) The registered nurse shall document the process for deciding
31 that the task can be safely delegated for the specific client to the
32 specific nursing assistant specializing in developmental disabilities;

33 (h) The registered nurse shall document how frequently the client
34 should be reassessed by a registered nurse regarding continued
35 delegation of the task to the nursing assistant specializing in
36 developmental disabilities;

37 (i) The responsibility, accountability, and authority for teaching
38 and delegation of administration of insulin injections and gastrostomy

1 tube feeding to the nursing assistant specializing in developmental
2 disabilities shall remain with the registered nurse;

3 (j) The registered nurse shall have the responsibility and
4 accountability to determine which nursing assistants specializing in
5 developmental disabilities and the number of nursing assistants
6 specializing in developmental disabilities that must be taught and
7 delegated the task of administration of insulin and gastrostomy tube
8 feedings;

9 (k) The number of persons to whom the tasks are taught and
10 delegated shall be limited to the number that can be safely supervised
11 by the registered nurse; and

12 (l) The registered nurse shall assure that the nursing assistant
13 specializing in developmental disabilities maintains proficiency in
14 performing the tasks through periodic supervision by the registered
15 nurse.

16 (5) The delegating registered nurse has a responsibility to
17 determine that the nursing assistant specializing in developmental
18 disabilities is indeed competent to perform the delegated act.
19 Nonnursing and managerial persons shall not coerce the registered nurse
20 into compromising client safety by requiring the registered nurse to
21 delegate. Both the delegating registered nurse and the nursing
22 assistant specializing in developmental disabilities are accountable
23 for their own actions in the delegation process.

24 (6) This section may not be construed to apply to persons who are
25 not developmentally disabled or to persons who are living in
26 residential habilitation centers.

27 NEW SECTION. **Sec. 2.** A new section is added to chapter 71A.10 RCW
28 to read as follows:

29 The definitions in this section apply throughout this chapter.

30 (1) "Delegation" means direct authorization granted by a registered
31 nurse to an unlicensed nursing assistant specializing in developmental
32 disabilities to perform the functions authorized in this chapter that
33 fall within the scope of practice of the delegator and that are not
34 within the scope of practice of the delegatee.

35 (2) "Supervision of unlicensed nursing assistants specializing in
36 developmental disabilities" means the provision of guidance and
37 evaluation by a qualified registered nurse for the accomplishment of
38 the specific tasks enumerated in section 1 of this act with the initial

1 direction of the task or activity, periodic inspection of the actual
2 act of accomplishing the task or activity, and the authority to require
3 corrective action. The licensed registered nurse is not required to be
4 on the premises but has given oral and written instructions relating to
5 the specific task or activity and the client has been assessed by the
6 licensed registered nurse prior to authority or delegation being
7 granted to perform the task or activity.

8 **Sec. 3.** RCW 18.88A.020 and 1991 c 16 s 2 are each amended to read
9 as follows:

10 Unless the context clearly requires otherwise, the definitions in
11 this section apply throughout this chapter.

12 (1) "Department" means the department of health.

13 (2) "Secretary" means the secretary of health.

14 (3) "Board" means the Washington state board of nursing.

15 (4) "Nursing assistant" means an individual, regardless of title,
16 who, under the direction and supervision of a registered nurse or
17 licensed practical nurse, assists in the delivery of nursing and
18 nursing-related activities to patients in a health care facility. The
19 two levels of nursing assistants are (a) "nursing assistant-certified,"
20 an individual certified under this chapter, (b) "nursing assistant-
21 registered," an individual registered under this chapter.

22 (5) "Nursing assistant specializing in developmental disabilities"
23 means an individual employed as direct care staff in a community
24 residential program certified by the department of social and health
25 services under chapter 71A.12 RCW or an adult family home licensed
26 under chapter 70.128 RCW and who has been trained by a registered nurse
27 licensed under chapter 18.88 RCW to administer the specific medications
28 or treatments authorized in chapter 71A.10 RCW. For the sole purpose
29 of maintaining a registry of qualified persons, an unlicensed person
30 administering medications or treatments authorized under chapter 71A.10
31 RCW shall register with the Washington state board of nursing as a
32 nursing assistant specializing in developmental disabilities.

33 (6) "Committee" means the Washington state nursing assistant
34 advisory committee.

35 (~~(6)~~) (7) "Approved training program" means a nursing assistant-
36 certified training program approved by the board. For community
37 college, vocational-technical institutes, skill centers, and secondary
38 school as defined in chapter 28B.50 RCW, nursing assistant-certified

1 training programs shall be approved by the board in cooperation with
2 the board for community and technical colleges ~~((education))~~ or the
3 superintendent of public instruction.

4 ~~((+7))~~ (8) "Health care facility" means a nursing home, hospital,
5 hospice care facility, home health care agency, hospice agency, or
6 other entity for delivery of health care services as defined by the
7 board.

8 ~~((+8))~~ (9) "Competency evaluation" means the measurement of an
9 individual's knowledge and skills as related to safe, competent
10 performance as a nursing assistant.

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