

# HOUSE BILL REPORT

## ESHB 2363

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**As Passed House:**

February 11, 1998

**Title:** An act relating to department of health recommendations removing barriers to nurse delegation.

**Brief Description:** Enacting department of health recommendations removing barriers to nurse delegation.

**Sponsors:** By House Committee on Health Care (originally sponsored by Representatives Backlund, Cody, Skinner, Dyer, Anderson and D. Sommers; by request of Department of Health).

**Brief History:**

**Committee Activity:**

Health Care: 1/22/98, 1/29/98 [DPS].

**Floor Activity:**

Passed House: 2/11/98, 96-0.

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### HOUSE COMMITTEE ON HEALTH CARE

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Dyer, Chairman; Backlund, Vice Chairman; Skinner, Vice Chairman; Cody, Ranking Minority Member; Murray, Assistant Ranking Minority Member; Anderson; Conway; Parlette; Sherstad; Wood and Zellinsky.

**Staff:** John Welsh (786-7133).

**Background:** Legislation was enacted in 1995 authorizing nurses to delegate specific nursing tasks to nursing assistants. A Joint Legislative Task Force on Nurse Delegation was established to monitor the implementation of the nurse-delegation laws by the Department of Health, Nursing Care Quality Assurance Commission, and Department of Social and Health Services. These agencies have been evaluating implementation issues and statutory inconsistencies related to the new process.

The legislative task force expires on January 1, 1998.

A statutory inconsistency exists with regard to the administration of medication in public and private schools. Currently, non-licensed individuals, if properly trained, may administer medications to students under the law. But the nurse-delegation law prohibits nursing assistants, who are non-licensed personnel, from administering medications unless they are delegated and trained by a nurse through the specified delegation process.

The nurse-delegation law requires the nurse to obtain the written informed consent from the patient before the delegation of nursing tasks can be authorized. This law could be interpreted to require informed consent for each and every change in task, rather than for the entire delegation process unique to that patient.

The nurse-delegation law requires the nurse to observe the performance of each task on each patient when training the nursing assistant in the delegating process. The requirement is difficult to implement. The Nurse Practice Act gives the nurse the flexibility to determine the appropriate means for assessing competency.

**Summary of Bill:** The Department of Social and Health Services must levy fines for violations of the nurse-delegation law. Nursing assistants are authorized to administer medications to students in public and private schools, notwithstanding the nurse-delegation law, in accordance with current practice.

Nurses would only be required to obtain the written informed consent from patients at the onset of the nurse-delegation process for a particular patient, and it is not necessary to obtain it repeatedly for each change in task.

Nurses may determine the most appropriate method for assessing the competency of each nursing assistant in the delegation process, or it is no longer necessary to observe the performance of each task.

The term of the legislative task force is extended to January 1, 1999.

The authority of the Department of Social & Health Services (DSHS) to levy fines for violations of the nurse delegation law is made discretionary.

**Substitute Bill Compared to Original Bill:** The legislative task force monitoring the implementation of the nurse delegation law is extended until 1999. The authority of the DSHS to levy fines for violations of the nurse delegation law is made discretionary.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** Statutory inconsistencies were identified that interfered with the nurse delegation process, and they should be eliminated for the efficient administration of the law.

**Testimony Against:** None.

**Testified:** Patty Hays, Department of Health (pro); Judy Maire, Office of the Superintendent of Public Instruction (pro); Ann Simonds, School Nurse Association of Washington; Don Carlson, Public School Employees of Washington (pro); Jeff Larson, Washington State Residential Care Conference (pro); and Bill Day, Adult Family Home Association (pro).