

HOUSE BILL REPORT

SB 5258

As Reported By House Committee On:
Education

Title: An act relating to medicinal and catheterization administration in public schools.

Brief Description: Providing medical assistance in public schools.

Sponsors: Senators Hochstatter, Zarelli, Finkbeiner, McAuliffe, Rasmussen and Goings.

Brief History:

Committee Activity:

Education: 2/19/98, 2/26/98 [DPA].

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass as amended. Signed by 11 members: Representatives Johnson, Chairman; Hickel, Vice Chairman; Cole, Ranking Minority Member; Keiser, Assistant Ranking Minority Member; Linville; Quall; Smith; Sterk; Sump; Talcott and Veloria.

Staff: Susan Morrissey (786-7111).

Background: Federal and state laws require the state to assure that appropriate special education and related services are provided to children with disabilities. In Irving Independent School District v. Tatro, the United States Supreme Court held that clean intermittent catheterization is both a related and supportive service under the federal Education of the Handicapped Act. Any school that receives funds under the act is required to provide this service if the procedure is necessary for a student to benefit from the student's educational program.

State law requires school districts and private schools to adopt policies on the provision of bladder catheterization if schools provide this service for students during school hours. The policy must address, among other things, which employees may perform the catheterization and how schools will acquire parent and physician requests to catheterize. Nonlicensed school employees who perform catheterization for students must receive training from a physician or registered nurse.

Public and private schools may require employees to provide clean, intermittent bladder catheterization of students, or help students in performing a self-catheterization. If a

school district or private school provides catheterization services, then the school must comply with rules adopted by the Washington State Nursing Care Quality Assurance Commission. The rules require the school to obtain a written request for the catheterization from the parents or guardian and the student's physician and written instructions from a registered nurse or advanced registered nurse practitioner. The instructions must designate the person to provide the catheterization and indicate any necessary supervision. Finally, training is required of any employee who performs catheterization or assists a student in self-catheterization, if the employee is not a licensed practical nurse. The training must be provided by a physician, advanced registered nurse practitioner, or registered nurse. The school must develop the catheterization policy in accordance with collective bargaining agreements.

Summary of Amended Bill: Certain school district employees are not required to perform clean, intermittent catheterizations of students if the employees have not agreed in writing to perform the service and have filed a written letter of refusal to perform the service. Under these circumstances, the refusal to perform catheterizations for students cannot lead to discharge, nonrenewal, or other actions that adversely affect the employee's contract status. These provisions do not apply to registered nurses, practical nurses, registered nurse practitioners, nurse practitioners, or nursing assistants.

Amended Bill Compared to Original Bill: Provisions permitting employees to refuse to administer oral medication are removed. Certain employees who have not agreed, in writing, to perform a bladder catheterization may refuse to perform that service. If employees do refuse, their employment status cannot be adversely affected.

Appropriation: None.

Fiscal Note: Available. Requested on amended bill on February 26, 1998.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: (Original Bill) In Washington, the number of school nurses per school district is below the national average. Therefore, some untrained and undertrained teachers and classified staff are required to perform medical services for students. This situation is stressful for employees, and potentially dangerous for students. Employees who have not received nursing training should have the same right to refuse to provide medical services that is given by law to nursing assistants.

Testimony Against: (Original Bill) Although the goal of this legislation is laudatory, it is potentially very expensive for school districts. If the Legislature passes the law without providing the funding necessary to hire more nursing staff, it will be handing the districts an unfunded mandate.

Testified: Cecile Lindquist, Washington State Special Education Coalition (supports SPI amendment); Jean Ameluxen and Judy Maire, Superintendent of Public Instruction (opposed); Linda Schonewald; educational assistant (supports); Doug Nelson, Public School Employees (support); and Dwayne Slate, Washington State School Directors' Association (con).