

SENATE BILL REPORT

SB 5258

As Passed Senate, February 12, 1998

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: 2/13/97, 2/21/97 [DP-WM].

Ways & Means: 3/5/97 [DP].

Passed Senate, 3/19/97, 47-0.

Passed Senate, 2/12/98, 49-0.

SENATE COMMITTEE ON EDUCATION

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Goings, Johnson, McAuliffe, Rasmussen and Zarelli.

Staff: Susan Mielke (786-7422)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Staff: Bill Freund (786-7441)

Background: Federal and state laws require the state to assure that appropriate special education and related services are provided to children with disabilities.

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

Summary of Bill: School district or private school policies on the administration of oral medication are modified to require a written agreement of the employees identified to perform the service, and a means of maintaining a record of such written agreements.

Nonlicensed school employees may file a written letter of refusal to administer oral medications to students or to perform bladder catheterization for students. This letter of refusal may not constitute grounds for employee dismissal or termination of employment.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Unlicensed school employees simply want the same right and privilege as licensed health care providers to refuse to perform delegated nursing tasks if they feel unprepared or insufficiently trained to do them. Currently, school employees are subject to discipline, including being fired from their job, for refusing to perform these delegated nursing tasks. Many school employees are not receiving sufficient professional training so they feel they must refuse to perform these tasks.

Testimony Against: If all employees who currently provide these services refuse to provide the services, the school districts will need to recruit and train new classified staff or nurses to provide the services. This will be an increased cost to school districts. Instead of this bill, the Legislature should provide incentive pay to those school employees performing these duties.

Testified: Jean Ameluxen, Judy Maire, OSPI; C. Peter Escalante; Tamara Warnke, PSE (pro); Don Carlson, public school employee (pro); Helen Burrows, public school employee (pro); C. P. Wenzl, Monroe High School (pro); Pat Tobia, Wapato School District (pro); Ann Simons, School Nurse Org. of WA (pro); Judy Hartmann, WEA (pro); Joe Pope, AWSP (pro).