

2 SHB 1650 - S COMM AMD

3 By Committee on Health & Long-Term Care

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 28A.210.260 and 1994 sp.s. c 9 s 720 are each amended
8 to read as follows:

9 Public school districts and private schools which conduct any of
10 grades kindergarten through the twelfth grade may provide for the
11 administration of oral medication of any nature to students who are in
12 the custody of the school district or school at the time of
13 administration, but are not required to do so by this section, subject
14 to the following conditions:

15 (1) The board of directors of the public school district or the
16 governing board of the private school or, if none, the chief
17 administrator of the private school shall adopt policies which address
18 the designation of employees who may administer oral medications to
19 students, the acquisition of parent requests and instructions, and the
20 acquisition of ~~((dentist and physician))~~ requests from licensed health
21 professionals prescribing within the scope of their prescriptive
22 authority and instructions regarding students who require medication
23 for more than fifteen consecutive school days, the identification of
24 the medication to be administered, the means of safekeeping medications
25 with special attention given to the safeguarding of legend drugs as
26 defined in chapter 69.41 RCW, and the means of maintaining a record of
27 the administration of such medication;

28 (2) The board of directors shall seek advice from one or more
29 licensed physicians or nurses in the course of developing the foregoing
30 policies;

31 (3) The public school district or private school is in receipt of
32 a written, current and unexpired request from a parent, or a legal
33 guardian, or other person having legal control over the student to
34 administer the medication to the student;

35 (4) The public school district or the private school is in receipt
36 of (a) a written, current and unexpired request from a licensed

1 (~~physician or dentist~~) health professional prescribing within the
2 scope of his or her prescriptive authority for administration of the
3 medication, as there exists a valid health reason which makes
4 administration of such medication advisable during the hours when
5 school is in session or the hours in which the student is under the
6 supervision of school officials, and (b) written, current and unexpired
7 instructions from such (~~physician or dentist~~) licensed health
8 professional prescribing within the scope of his or her prescriptive
9 authority regarding the administration of prescribed medication to
10 students who require medication for more than fifteen consecutive work
11 days;

12 (5) The medication is administered by an employee designated by or
13 pursuant to the policies adopted pursuant to subsection (1) of this
14 section and in substantial compliance with the prescription of a
15 (~~physician or dentist~~) licensed health professional prescribing
16 within the scope of his or her prescriptive authority or the written
17 instructions provided pursuant to subsection (4) of this section;

18 (6) The medication is first examined by the employee administering
19 the same to determine in his or her judgment that it appears to be in
20 the original container and to be properly labeled; (~~and~~)

21 (7) The board of directors shall designate a professional person
22 licensed pursuant to chapter 18.71 RCW or chapter 18.79 RCW as it
23 applies to registered nurses and advanced registered nurse
24 practitioners, to train and supervise the designated school district
25 personnel in proper medication procedures; and

26 (8)(a) School district employees employed by the district before
27 the effective date of this section and not licensed under chapter 18.79
28 or 18.88A RCW may file with the district a written letter of refusal to
29 administer oral medications to students.

30 (b) School district employees employed or transferred by the
31 district after the effective date of this section and not licensed
32 under chapter 18.79 or 18.88A RCW may file with the district a written
33 letter of refusal to administer oral medications to students unless the
34 employee's job description specifically includes the administration of
35 oral medications.

36 (c) A written letter of refusal filed under (a) or (b) of this
37 subsection shall be retained by the district and may not serve as
38 grounds for employee dismissal or termination of employment.

1 (d) School district employees whose job description does not
2 specifically include the administration of oral medications to students
3 shall not receive additional pay or benefits for providing oral
4 medications to students.

5 **Sec. 2.** RCW 28A.210.270 and 1990 c 33 s 208 are each amended to
6 read as follows:

7 (1) In the event a school employee administers oral medication to
8 a student pursuant to RCW 28A.210.260 in substantial compliance with
9 the prescription of the student's (~~physician or dentist~~) licensed
10 health professional prescribing within the scope of the professional's
11 prescriptive authority or the written instructions provided pursuant to
12 RCW 28A.210.260(4), and the other conditions set forth in RCW
13 28A.210.260 have been substantially complied with, then the employee,
14 the employee's school district or school of employment, and the members
15 of the governing board and chief administrator thereof shall not be
16 liable in any criminal action or for civil damages in their individual
17 or marital or governmental or corporate or other capacities as a result
18 of the administration of the medication.

19 (2) The administration of oral medication to any student pursuant
20 to RCW 28A.210.260 may be discontinued by a public school district or
21 private school and the school district or school, its employees, its
22 chief administrator, and members of its governing board shall not be
23 liable in any criminal action or for civil damages in their
24 governmental or corporate or individual or marital or other capacities
25 as a result of the discontinuance of such administration: PROVIDED,
26 That the chief administrator of the public school district or private
27 school, or his or her designee, has first provided actual notice orally
28 or in writing in advance of the date of discontinuance to a parent or
29 legal guardian of the student or other person having legal control over
30 the student.

31 NEW SECTION. **Sec. 3.** A new section is added to chapter 41.56 RCW
32 to read as follows:

33 Nothing in this chapter shall be construed to grant school district
34 employers or employees the right to collectively bargain over the
35 administration of oral medications to students."

1 **SHB 1650** - S COMM AMD
2 By Committee on Health & Long-Term Care

3
4 On page 1, line 1 of the title, after "nurses;" strike the
5 remainder of the title and insert "amending RCW 28A.210.260 and
6 28A.210.270; and adding a new section to chapter 41.56 RCW."

--- END ---