

# HOUSE BILL REPORT

## SSB 5547

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**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:** Senate Committee on Education (originally sponsored by Senators McAuliffe, Finkbeiner, Eide, Prentice, Winsley, Patterson, Thibaudeau, Oke, Kline and Rasmussen).

**Brief History:**

**Committee Activity:**

Education: 3/22/99, 4/1/99 [DPA].

**Brief Summary of Substitute Bill**  
(As Amended by House Committee)

- With the exception of staff with nursing training, current school employees may file a written letter of refusal to administer oral medications to or bladder catheterizations of students.
- With the exception of staff with nursing training, employees hired or transferred in the future may file a written letter of refusal to administer oral medications to or bladder catheterizations of students unless their job descriptions include those duties.

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** Do pass as amended. Signed by 13 members: Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen and Wensman.

**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 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.

### ***Oral Medication***

Before school personnel administer oral medication, certain procedures must be followed. The school must obtain the following: a written request from a parent or legal guardian; a written explanation from a licensed physician or dentist on why the medication needs to be administered during school hours; and directions from the dentist or doctor for administering the medicine. The public or private school employee who administers the medication has to follow the prescription, and ensure that the medication appears to be in its original container and is properly labeled. A registered nurse or advanced registered nurse practitioner must train any public or private school employee who administers oral medication in proper medication procedures.

### ***Catheterization***

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.

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**Summary of Amended Bill:**

With some exceptions, school employees hired before the effective date of this act may file a written letter of refusal to administer oral medications or to clean intermittent bladder catheterizations of students. With some exceptions, school employees hired or transferred after the effective date of this act may file a written refusal to administer those services if the employee's job description does not include a responsibility to administer them. The letters of refusal will be retained by the school districts and cannot be used as grounds for dismissal or termination. The law does not apply to registered nurses, practical nurses, registered nurse practitioners, nurse practitioners, or nursing assistants.

A statement is removed that states that the section of law that permits school districts and private schools to perform clean intermittent bladder catheterizations of students does not require the districts or schools to perform the service.

**Amended Bill Compared to Substitute Bill:** Current employees may refuse to administer medications and catheterizations. New language on "written letters of agreement" is removed. New language on written directions from a student's licensed medical providers is removed. New language is removed that says that the permissive nature of the bladder catheterization statute does not relieve districts from a responsibility to perform the service.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** (Original bill) Under current law, school secretaries and other classified staff may be required to administer oral medication to students. These school employees often receive minimal if any training in safety procedures. At times, employees give the wrong amount of medication or the wrong medication to students. It is a situation fraught with peril, especially since the number of children who require medication at school has grown exponentially over the years. This legislation is an important student safety measure. It begins to address the concerns held by school secretaries and other classified staff. However, it does not provide the protections to current staff envisioned in the bills originally introduced in the House

of Representatives and the Senate. Desirable resolutions to the issue are potentially expensive for school districts and the state.

**Testimony Against:** None.

**Testified:** (In support) Melda Follett, Yakima Education Office Professionals.

(In support with concerns) Doug Nelson, Public School Employees; Gary King, Washington Education Association; Ann Simons, School Nurse Organization of Washington; Dan Steele, Washington State School Directors' Association; Karen Davis, Superintendent of Public Instruction; and Barbara Mertens, Washington Association of School Administrators.