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**SUBSTITUTE HOUSE BILL 1650**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** House Committee on Education (originally sponsored by Representatives Cody, Talcott, Ruderman, Wood, Quall, Boldt, Stensen, Rockefeller, Parlette, O'Brien, Kenney and Keiser)

Read first time 02/17/1999.

1 AN ACT Relating to school nurses; and amending RCW 28A.210.260 and  
2 28A.210.270.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 28A.210.260 and 1994 sp.s. c 9 s 720 are each amended  
5 to read as follows:

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

12 (1) The board of directors of the public school district or the  
13 governing board of the private school or, if none, the chief  
14 administrator of the private school shall adopt policies which address  
15 the designation of employees who may administer oral medications to  
16 students, the acquisition of parent requests and instructions, and the  
17 acquisition of ~~((dentist and physician))~~ requests from licensed health  
18 professionals prescribing within the scope of their prescriptive  
19 authority and instructions regarding students who require medication

1 for more than fifteen consecutive school days, the identification of  
2 the medication to be administered, the means of safekeeping medications  
3 with special attention given to the safeguarding of legend drugs as  
4 defined in chapter 69.41 RCW, and the means of maintaining a record of  
5 the administration of such medication;

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

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

13 (4) The public school district or the private school is in receipt  
14 of (a) a written, current and unexpired request from a licensed  
15 (~~physician or dentist~~) health professional prescribing within the  
16 scope of his or her prescriptive authority for administration of the  
17 medication, as there exists a valid health reason which makes  
18 administration of such medication advisable during the hours when  
19 school is in session or the hours in which the student is under the  
20 supervision of school officials, and (b) written, current and unexpired  
21 instructions from such (~~physician or dentist~~) licensed health  
22 professional prescribing within the scope of his or her prescriptive  
23 authority regarding the administration of prescribed medication to  
24 students who require medication for more than fifteen consecutive work  
25 days;

26 (5) The medication is administered by an employee designated by or  
27 pursuant to the policies adopted pursuant to subsection (1) of this  
28 section and in substantial compliance with the prescription of a  
29 (~~physician or dentist~~) licensed health professional prescribing  
30 within the scope of his or her prescriptive authority or the written  
31 instructions provided pursuant to subsection (4) of this section;

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

35 (7) The board of directors shall designate a professional person  
36 licensed pursuant to chapter 18.71 RCW or chapter 18.79 RCW as it  
37 applies to registered nurses and advanced registered nurse  
38 practitioners, to train and supervise the designated school district  
39 personnel in proper medication procedures.

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

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

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

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