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HOUSE BILL 2739

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State of Washington                      56th Legislature                      2000 Regular Session

By Representatives Parlette, Cody, Talcott, Quall, Carlson and Kenney

Read first time 01/19/2000. Referred to Committee on Education.

1            AN ACT Relating to which health professionals may sign a request to  
2 have oral medication administered by school employees; and amending RCW  
3 28A.210.260 and 28A.210.270.

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

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

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

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

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

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

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

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

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

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

36 (7) The board of directors shall designate a professional person  
37 licensed pursuant to chapter 18.71 RCW or chapter 18.79 RCW as it  
38 applies to registered nurses and advanced registered nurse

1 practitioners, to train and supervise the designated school district  
2 personnel in proper medication procedures.

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

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

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

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