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SECOND SUBSTITUTE SENATE BILL 5547

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State of Washington

56th Legislature

2000 Regular Session

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

Read first time 02/04/2000.

1 AN ACT Relating to medicinal and catheterization administration in  
2 public schools; and amending RCW 28A.210.260 and 28A.210.280.

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 without  
11 directions from the student's licensed medical provider, subject to the  
12 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 and written agreement of employees who may administer  
17 oral medications to students, the acquisition of parent requests and  
18 instructions, and the acquisition of dentist and physician requests and  
19 instructions regarding students who require medication for more than

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

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 for administration of the medication, as there  
16 exists a valid health reason which makes administration of such  
17 medication advisable during the hours when school is in session or the  
18 hours in which the student is under the supervision of school  
19 officials, and (b) written, current and unexpired instructions from  
20 such physician or dentist regarding the administration of prescribed  
21 medication to students who require medication for more than fifteen  
22 consecutive work days;

23 (5) The medication is administered by an employee designated by or  
24 pursuant to the policies adopted pursuant to subsection (1) of this  
25 section and in substantial compliance with the prescription of a  
26 physician or dentist or the written instructions provided pursuant to  
27 subsection (4) of this section;

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

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

36 (8) Public school boards of directors must obtain a written  
37 agreement from school district employees who are not licensed under  
38 chapter 18.79 or 18.88A RCW who agree to administer oral medications;  
39 and

1       (9) School district employees, who are not licensed under chapter  
2 18.79 or 18.88A RCW, may file a written letter of refusal to administer  
3 oral medications to students with the school district unless the  
4 employee's job description specifically includes the administration of  
5 oral medications at the time of hiring or transfer. This written  
6 letter of refusal may not serve as grounds for employee dismissal or  
7 termination of employment.

8       **Sec. 2.** RCW 28A.210.280 and 1994 sp.s. c 9 s 721 are each amended  
9 to read as follows:

10       (1) Public school districts and private schools that offer classes  
11 for any of grades kindergarten through twelve may provide for clean,  
12 intermittent bladder catheterization of students, or assisted self-  
13 catheterization of students pursuant to RCW 18.79.290, if the  
14 catheterization is provided for in substantial compliance with:

15       (a) Rules adopted by the state nursing care quality assurance  
16 commission and the instructions of a registered nurse or advanced  
17 registered nurse practitioner issued under such rules; and

18       (b) Written policies of the school district or private school which  
19 shall be adopted in order to implement this section and shall be  
20 developed in accordance with such requirements of chapters 41.56 and  
21 41.59 RCW as may be applicable.

22       (2) ~~((This section does not require school districts to provide~~  
23 ~~intermittent bladder catheterization of students.))~~ School district  
24 employees, who are not licensed under chapter 18.79 or 18.88A RCW, may  
25 file a written letter of refusal to perform clean, intermittent bladder  
26 catheterization of students unless the employee's job description  
27 specifically includes the performance of clean, intermittent bladder  
28 catheterization of students at the time of hiring or transfer. This  
29 written letter of refusal may not serve as grounds for employee  
30 dismissal or termination of employment.

31       (3) Nothing in this section relieves a school district from the  
32 obligation of providing intermittent bladder catheterization of  
33 students as a related service under applicable federal or state law.

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