

SENATE BILL REPORT

SHB 2834

As Reported By Senate Committee On:
Education, February 28, 2002

Title: An act relating to requiring a medication or treatment order as a condition for children with life-threatening conditions to attend public school.

Brief Description: Requiring a medication or treatment order as a condition for children with life-threatening conditions to attend public school.

Sponsors: House Committee on Health Care (originally sponsored by Representatives Schual-Berke, Campbell, Cody, Darneille, Conway, Edwards, Chase, Hunt and Pflug).

Brief History:

Committee Activity: Education: 2/27/02, 2/28/02 [DP].

SENATE COMMITTEE ON EDUCATION

Majority Report: Do pass.

Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Hochstatter, Kastama, Kohl-Welles, Prentice, Rasmussen, Regala and Zarelli.

Staff: Heather Lewis-Lechner (786-7448)

Background: Under current Washington law, school nurses may only administer medications and treatment at or under the direction of a physician, advanced registered nurse practitioner or others as specified in statute. This law prevents nurses from performing certain services for the students if the student does not have a physician's order giving them the authority to render treatment.

Under the Washington Constitution, the state has a paramount duty to make ample provision for the education of all resident children. The language in the Washington Constitution has been interpreted by courts to allow the schools and the Legislature to set reasonable prerequisites for admission, such as requiring specified immunizations.

Summary of Bill: Public schools are given the authority to deny a student admission to the school if the student fails to present to the school a medication or treatment order addressing any life-threatening health condition that may require the child to receive medical services at the school. Prior to exclusion from school, the student's parents or legal guardians are provided with written notice that the student is prevented from attending the school due to the lack of a physician's order and is given an opportunity to discuss the matter in procedures as adopted by the State Board of Education.

Life-threatening condition is defined as a health condition that puts the child in danger of death during the school day if a medication or treatment order and a nursing plan are not in place.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: There are currently cases where the partnership between the schools and the parents is weak. Schools do not always have access to the medication or treatment orders needed to ensure the health and safety of the students. This bill is about getting children into school safely and giving nurses the tools they need to keep kids safe. The definition that was added in the House covers the situations and students that it needs to cover and is a good addition to the bill.

Testimony Against: None.

Testified: PRO: Representative Shay Schual-Berke, prime sponsor; Judy Maire, Greg Williamson, OSPI; Ann Simons, SNOW.