
SUBSTITUTE HOUSE BILL 1328

State of Washington

57th Legislature

2002 Regular Session

By House Committee on Health Care (originally sponsored by Representatives Cody, Campbell, Conway, Schual-Berke, Talcott, Keiser, Santos, Edwards, Kenney, Voloria, Lovick and Edmonds)

Read first time 02/22/2001. Referred to Committee on .

1 AN ACT Relating to requiring registration of a school health aide;
2 amending RCW 18.130.040; and adding a new chapter to Title 18 RCW.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that there is a
5 diminishing supply of school nurses serving the health needs of
6 students in the state's school districts. The supply of nurses has not
7 increased in proportion to school enrollment. In addition, the
8 increasingly complex health needs of students can no longer be
9 adequately met by the delegation of nursing tasks to unlicensed and
10 untrained school personnel, such as teachers, teacher's assistants, and
11 secretarial staff, without compromising the health of students and
12 exposing school districts to legal liability. The delegation practices
13 in public school districts of complex nursing tasks are of questionable
14 legality and the opportunity for error has life-threatening
15 consequences. Removing health barriers to learning is essential to the
16 successful education of students, and should be addressed in the
17 state's public schools by recognizing established nursing practice
18 standards and the state's uniform professional accountability
19 processes. The legislature declares that the training of registered

1 school health assistants is in the interest of public health and
2 safety.

3 NEW SECTION. **Sec. 2.** The definitions in this section apply
4 throughout this chapter unless the context clearly requires otherwise.

5 (1) "Commission" means the nursing care quality assurance
6 commission created in RCW 18.79.070.

7 (2) "Department" means the department of health.

8 (3) "School health assistant" means a person registered under this
9 chapter who performs health care tasks for students in public school
10 districts (K-12). Typical health care tasks would include visual and
11 auditory screening of pupils under RCW 28A.210.020, scoliosis screening
12 under RCW 28A.210.180, administration of oral medication under RCW
13 28A.210.260, and clean intermittent catheterization under RCW
14 28A.210.280.

15 (4) "Secretary" means the secretary of health.

16 NEW SECTION. **Sec. 3.** (1) No certificated or classified school
17 district employee may practice or represent himself or herself as a
18 school health assistant by use of any title or description of services
19 without being registered to practice by the department, unless
20 otherwise exempted by this chapter.

21 (2) Nursing tasks delegated to a school health assistant include
22 those nursing procedures applicable to school districts provided under
23 RCW 28A.210.020, 28A.210.180, 28A.210.260, and 28A.210.280.

24 (3) Nothing in this section shall be construed to affect the scope
25 of nursing procedures applicable to school districts as provided by
26 law.

27 (4) School health assistants may not be subject to any employer
28 reprisal or disciplinary action by the secretary for refusing to accept
29 the delegation of a nursing task based on patient safety issues, except
30 in an emergent life-threatening situation.

31 NEW SECTION. **Sec. 4.** Nothing in this chapter shall be construed
32 to prohibit or restrict:

33 (1) The practice by an individual licensed, certified, or
34 registered under the laws of this state and performing services within
35 the authorized scope of practice;

1 (2) The practice by an individual employed by the government of the
2 United States while engaged in the performance of duties prescribed by
3 the laws of the United States; or

4 (3) The practice by a person who is a regular student in an
5 educational program approved by the secretary, and whose performance of
6 services is pursuant to a regular course of instruction or assignments
7 from an instructor and under the general supervision of the instructor.

8 NEW SECTION. **Sec. 5.** In addition to any other authority provided
9 by law, the secretary has the authority to:

10 (1) Adopt rules under chapter 34.05 RCW necessary to implement this
11 chapter;

12 (2) Establish all registration and renewal fees in accordance with
13 RCW 43.70.250;

14 (3) Establish forms and procedures necessary to administer this
15 chapter;

16 (4) Register any applicants, and deny registration to applicants
17 who do not meet the minimum qualifications, except that proceedings
18 concerning the denial of registration based upon unprofessional conduct
19 or impairment shall be governed by the uniform disciplinary act,
20 chapter 18.130 RCW;

21 (5) Hire clerical, administrative, investigative, and other staff
22 as needed to implement this chapter; and

23 (6) Maintain the official department record of all applicants and
24 persons registered under this chapter.

25 NEW SECTION. **Sec. 6.** The secretary shall keep an official record
26 of all proceedings. A part of the record shall consist of a register
27 of all applicants for registration under this chapter and the results
28 of each application.

29 NEW SECTION. **Sec. 7.** The secretary shall issue a registration to
30 any applicant who completes an application that identifies the name and
31 address of the applicant, the registration being requested, and
32 information required by the secretary necessary to establish whether
33 there are grounds for denial of a registration or issuance of a
34 conditional registration under chapter 18.130 RCW.

1 NEW SECTION. **Sec. 8.** Applications for registration as a school
2 health assistant shall be submitted on forms provided by the secretary.
3 The secretary may require any information and documentation that
4 reasonably relates to the need to determine whether the applicant meets
5 the criteria for registration provided for in this chapter and chapter
6 18.130 RCW. Each applicant shall pay a fee determined by the secretary
7 under RCW 43.70.250. The fee shall accompany the application.

8 NEW SECTION. **Sec. 9.** The secretary shall establish by rule the
9 procedural requirements and fees for renewal of a registration.
10 Failure to renew shall invalidate the registration and all privileges
11 granted by the registration.

12 NEW SECTION. **Sec. 10.** The uniform disciplinary act, chapter
13 18.130 RCW, governs the issuance and denial of registrations,
14 unauthorized practice, and the discipline of persons registered under
15 this chapter. The secretary is the disciplining authority under this
16 chapter.

17 **Sec. 11.** RCW 18.130.040 and 1999 c 335 s 10 are each amended to
18 read as follows:

19 (1) This chapter applies only to the secretary and the boards and
20 commissions having jurisdiction in relation to the professions licensed
21 under the chapters specified in this section. This chapter does not
22 apply to any business or profession not licensed under the chapters
23 specified in this section.

24 (2)(a) The secretary has authority under this chapter in relation
25 to the following professions:

- 26 (i) Dispensing opticians licensed under chapter 18.34 RCW;
- 27 (ii) Naturopaths licensed under chapter 18.36A RCW;
- 28 (iii) Midwives licensed under chapter 18.50 RCW;
- 29 (iv) Ocularists licensed under chapter 18.55 RCW;
- 30 (v) Massage operators and businesses licensed under chapter 18.108
31 RCW;
- 32 (vi) Dental hygienists licensed under chapter 18.29 RCW;
- 33 (vii) Acupuncturists licensed under chapter 18.06 RCW;
- 34 (viii) Radiologic technologists certified and X-ray technicians
35 registered under chapter 18.84 RCW;

1 (ix) Respiratory care practitioners licensed under chapter 18.89
2 RCW;

3 (x) Persons registered or certified under chapter 18.19 RCW;

4 (xi) Persons registered as nursing pool operators under chapter
5 18.52C RCW;

6 (xii) Nursing assistants registered or certified under chapter
7 18.88A RCW;

8 (xiii) Health care assistants certified under chapter 18.135 RCW;

9 (xiv) Dietitians and nutritionists certified under chapter 18.138
10 RCW;

11 (xv) Chemical dependency professionals certified under chapter
12 18.205 RCW;

13 (xvi) Sex offender treatment providers certified under chapter
14 18.155 RCW;

15 (xvii) Persons licensed and certified under chapter 18.73 RCW or
16 RCW 18.71.205;

17 (xviii) Persons registered as adult family home providers and
18 resident managers under RCW 18.48.020;

19 (xix) Denturists licensed under chapter 18.30 RCW;

20 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;

21 (~~and~~)

22 (xxi) Surgical technologists registered under chapter 18.215 RCW;
23 and

24 (xxii) School health assistants registered under chapter 18.-- RCW
25 (sections 1 through 10 and 12 of this act).

26 (b) The boards and commissions having authority under this chapter
27 are as follows:

28 (i) The podiatric medical board as established in chapter 18.22
29 RCW;

30 (ii) The chiropractic quality assurance commission as established
31 in chapter 18.25 RCW;

32 (iii) The dental quality assurance commission as established in
33 chapter 18.32 RCW;

34 (iv) The board of hearing and speech as established in chapter
35 18.35 RCW;

36 (v) The board of examiners for nursing home administrators as
37 established in chapter 18.52 RCW;

38 (vi) The optometry board as established in chapter 18.54 RCW
39 governing licenses issued under chapter 18.53 RCW;

1 (vii) The board of osteopathic medicine and surgery as established
2 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
3 18.57A RCW;

4 (viii) The board of pharmacy as established in chapter 18.64 RCW
5 governing licenses issued under chapters 18.64 and 18.64A RCW;

6 (ix) The medical quality assurance commission as established in
7 chapter 18.71 RCW governing licenses and registrations issued under
8 chapters 18.71 and 18.71A RCW;

9 (x) The board of physical therapy as established in chapter 18.74
10 RCW;

11 (xi) The board of occupational therapy practice as established in
12 chapter 18.59 RCW;

13 (xii) The nursing care quality assurance commission as established
14 in chapter 18.79 RCW governing licenses issued under that chapter;

15 (xiii) The examining board of psychology and its disciplinary
16 committee as established in chapter 18.83 RCW; and

17 (xiv) The veterinary board of governors as established in chapter
18 18.92 RCW.

19 (3) In addition to the authority to discipline license holders, the
20 disciplining authority has the authority to grant or deny licenses
21 based on the conditions and criteria established in this chapter and
22 the chapters specified in subsection (2) of this section. This chapter
23 also governs any investigation, hearing, or proceeding relating to
24 denial of licensure or issuance of a license conditioned on the
25 applicant's compliance with an order entered pursuant to RCW 18.130.160
26 by the disciplining authority.

27 (4) All disciplining authorities shall adopt procedures to ensure
28 substantially consistent application of this chapter, the Uniform
29 Disciplinary Act, among the disciplining authorities listed in
30 subsection (2) of this section.

31 NEW SECTION. **Sec. 12.** If any provision of this act or its
32 application to any person or circumstance is held invalid, the
33 remainder of the act or the application of the provision to other
34 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 13.** Sections 1 through 10 and 12 of this act
2 constitute a new chapter in Title 18 RCW.

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