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SECOND SUBSTITUTE HOUSE BILL 1328

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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 02/07/2002. Referred to Committee on .

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

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

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

1 processes. The legislature declares that the registration of school  
2 health assistants is in the interest of public health and 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 overseen by a registered nurse  
10 licensed under chapter 18.79 RCW for students in public school  
11 districts (K-12). Typical health care tasks would include visual and  
12 auditory screening of pupils under RCW 28A.210.020, scoliosis screening  
13 under RCW 28A.210.180, administration of oral medication under RCW  
14 28A.210.260, and clean intermittent catheterization under RCW  
15 28A.210.280.

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

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

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

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

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

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

34 (1) The practice by an individual licensed, certified, or  
35 registered under the laws of this state and performing services within  
36 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 2001 c 251 s 27 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 under chapter 18.19 RCW;

4 (xi) Persons licensed as mental health counselors, marriage and  
5 family therapists, and social workers under chapter 18.225 RCW;

6 (xii) Persons registered as nursing pool operators under chapter  
7 18.52C RCW;

8 (xiii) Nursing assistants registered or certified under chapter  
9 18.88A RCW;

10 (xiv) Health care assistants certified under chapter 18.135 RCW;

11 (xv) Dietitians and nutritionists certified under chapter 18.138  
12 RCW;

13 (xvi) Chemical dependency professionals certified under chapter  
14 18.205 RCW;

15 (xvii) Sex offender treatment providers certified under chapter  
16 18.155 RCW;

17 (xviii) Persons licensed and certified under chapter 18.73 RCW or  
18 RCW 18.71.205;

19 (xix) Persons registered as adult family home providers and  
20 resident managers under RCW 18.48.020;

21 (xx) Denturists licensed under chapter 18.30 RCW;

22 (xxi) Orthotists and prosthetists licensed under chapter 18.200  
23 RCW; (~~and~~)

24 (xxii) Surgical technologists registered under chapter 18.215 RCW;  
25 and

26 (xxiii) School health assistants registered under chapter 18.-- RCW  
27 (sections 1 through 10, 12, and 13 of this act).

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

30 (i) The podiatric medical board as established in chapter 18.22  
31 RCW;

32 (ii) The chiropractic quality assurance commission as established  
33 in chapter 18.25 RCW;

34 (iii) The dental quality assurance commission as established in  
35 chapter 18.32 RCW;

36 (iv) The board of hearing and speech as established in chapter  
37 18.35 RCW;

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

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

3 (vii) The board of osteopathic medicine and surgery as established  
4 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and  
5 18.57A RCW;

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

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

11 (x) The board of physical therapy as established in chapter 18.74  
12 RCW;

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

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

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

19 (xiv) The veterinary board of governors as established in chapter  
20 18.92 RCW.

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

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

33 NEW SECTION. **Sec. 12.** This act takes effect July 1, 2004.

34 NEW SECTION. **Sec. 13.** If any provision of this act or its  
35 application to any person or circumstance is held invalid, the  
36 remainder of the act or the application of the provision to other  
37 persons or circumstances is not affected.

1        NEW SECTION.    **Sec. 14.**    Sections 1 through 10, 12, and 13 of this  
2    act constitute a new chapter in Title 18 RCW.

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