
SUBSTITUTE SENATE BILL 5222

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Franklin, Winsley, Fraser, Carlson, Costa, Thibaudeau and Kohl-Welles)

READ FIRST TIME 02/16/01.

1 AN ACT Relating to requiring registration of school health aides;
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 and private schools, grades K-12, of complex nursing tasks
14 are of questionable legality, and the opportunity for error has life-
15 threatening consequences. Removing health barriers to learning is
16 essential to the successful education of students and should be
17 addressed in the state's school districts by recognizing established
18 nursing practice standards and the state's uniform professional
19 accountability processes. The legislature declares that the training

1 of registered school health aides is in the interest of public health
2 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 aide" means a person registered under this
9 chapter who performs health care tasks under training and supervision
10 of a registered nurse licensed under RCW 18.79.040. Typical health
11 care tasks would include oral medication administration and clean
12 intermittent catheterization.

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

14 (5) "Superintendent" means the superintendent of public
15 instruction.

16 NEW SECTION. **Sec. 3.** (1) No certificated or noncertificated
17 school district employee may practice or represent himself or herself
18 as a school health aide 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 aide include those
22 nursing procedures applicable to school districts provided by law,
23 including RCW 28A.210.260 and 28A.210.280, and those tasks determined
24 by the superintendent by rule in consultation with the commission.

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

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

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

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

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

7 (1) Adopt rules under chapter 34.05 RCW necessary to implement this
8 chapter;

9 (2) Establish all registration and renewal fees in accordance with
10 RCW 43.70.250;

11 (3) Establish forms and procedures necessary to administer this
12 chapter;

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

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

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

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

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

32 NEW SECTION. **Sec. 8.** Applications for registration shall be
33 submitted on forms provided by the secretary. The secretary may
34 require any information and documentation that reasonably relates to
35 the need to determine whether the applicant meets the criteria for

1 registration provided for in this chapter and chapter 18.130 RCW. Each
2 applicant shall pay a fee determined by the secretary under RCW
3 43.70.250. The fee shall accompany the application.

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

8 NEW SECTION. **Sec. 10.** The uniform disciplinary act, chapter
9 18.130 RCW, governs the issuance and denial of registrations,
10 unauthorized practice, and the discipline of persons registered under
11 this chapter. The secretary is the disciplining authority under this
12 chapter.

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

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

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

22 (i) Dispensing opticians licensed under chapter 18.34 RCW;

23 (ii) Naturopaths licensed under chapter 18.36A RCW;

24 (iii) Midwives licensed under chapter 18.50 RCW;

25 (iv) Ocularists licensed under chapter 18.55 RCW;

26 (v) Massage operators and businesses licensed under chapter 18.108
27 RCW;

28 (vi) Dental hygienists licensed under chapter 18.29 RCW;

29 (vii) Acupuncturists licensed under chapter 18.06 RCW;

30 (viii) Radiologic technologists certified and X-ray technicians
31 registered under chapter 18.84 RCW;

32 (ix) Respiratory care practitioners licensed under chapter 18.89
33 RCW;

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

35 (xi) Persons registered as nursing pool operators under chapter
36 18.52C RCW;

1 (xii) Nursing assistants registered or certified under chapter
2 18.88A RCW;

3 (xiii) Health care assistants certified under chapter 18.135 RCW;
4 (xiv) Dietitians and nutritionists certified under chapter 18.138
5 RCW;

6 (xv) Chemical dependency professionals certified under chapter
7 18.205 RCW;

8 (xvi) Sex offender treatment providers certified under chapter
9 18.155 RCW;

10 (xvii) Persons licensed and certified under chapter 18.73 RCW or
11 RCW 18.71.205;

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

14 (xix) Denturists licensed under chapter 18.30 RCW;

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

17 (xxi) Surgical technologists registered under chapter 18.215 RCW;
18 and

19 (xxii) School health aides registered under chapter 18.--- RCW
20 (sections 1 through 10 of this act).

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

23 (i) The podiatric medical board as established in chapter 18.22
24 RCW;

25 (ii) The chiropractic quality assurance commission as established
26 in chapter 18.25 RCW;

27 (iii) The dental quality assurance commission as established in
28 chapter 18.32 RCW;

29 (iv) The board of hearing and speech as established in chapter
30 18.35 RCW;

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

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

35 (vii) The board of osteopathic medicine and surgery as established
36 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
37 18.57A RCW;

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

1 (ix) The medical quality assurance commission as established in
2 chapter 18.71 RCW governing licenses and registrations issued under
3 chapters 18.71 and 18.71A RCW;

4 (x) The board of physical therapy as established in chapter 18.74
5 RCW;

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

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

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

12 (xiv) The veterinary board of governors as established in chapter
13 18.92 RCW.

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

22 (4) All disciplining authorities shall adopt procedures to ensure
23 substantially consistent application of this chapter, the Uniform
24 Disciplinary Act, among the disciplining authorities listed in
25 subsection (2) of this section.

26 NEW SECTION. **Sec. 12.** If any provision of this act or its
27 application to any person or circumstance is held invalid, the
28 remainder of the act or the application of the provision to other
29 persons or circumstances is not affected.

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

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