

HOUSE BILL REPORT

HB 1192

As Reported by House Committee On:
Health Care

Title: An act relating to regulating the catheterization of students.

Brief Description: Regulating the catheterization of students.

Sponsors: Representatives Cody, Pflug, Clibborn, Lovick, McDonald, Dunshee, Delvin, Benson, Miloscia, Eickmeyer, Mielke, Schindler, Schoesler, Linville, Pearson, Kessler, Cairnes, Mastin and Grant.

Brief History:

Committee Activity:

Health Care: 2/19/03, 2/27/03 [DPS].

Brief Summary of Substitute Bill

- Allows school district employees, other than nurses, to refuse to perform clean, intermittent bladder catheterizations.

HOUSE COMMITTEE ON HEALTH CARE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Cody, Chair; Morrell, Vice Chair; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Benson, Campbell, Clibborn, Darneille, Edwards, Moeller, Schual-Berke and Skinner.

Staff: Chris Blake (786-7392).

Background:

Any state that receives funds under the Federal Education of the Handicapped Act must assure "all handicapped children the right to a free and appropriate education." A "free and appropriate education" is defined as "special education and related services." The United States Supreme Court has interpreted the term "related services" to include clean, intermittent catheterization because it is a service that is necessary to allow a child to remain at school during the day.

In Washington, school districts and private schools must adopt policies on the provision of clean, intermittent bladder catheterization if a school provides this service for students during school hours. School districts must also comply with rules adopted by the Nursing Care Quality Assurance Commission (Commission). The requirements of this rule include parental request, parental permission, physician written orders, registered nurse instructions, and training for nonlicensed school employees performing the service.

School employees are not liable for providing catheterization services if they have followed the Commission's rules and the school district's policies. A school is not liable for discontinuing catheterization services if prior notice is given to the student's parent or guardian and the school makes other provisions for the catheterization of the student as required by federal or state law.

Summary of Substitute Bill:

School district employees, other than nurses, that have not agreed in writing to perform clean, intermittent bladder catheterizations as part of their job descriptions, may file a letter refusing to perform these services without reprisal from the school district. School districts are still required to provide this service to students that need it. Schools must document all training for catheterization services provided to employees. Any school employee who will be providing health services must have those services listed in their job description.

Substitute Bill Compared to Original Bill:

It is clarified that school districts are required to provide catheterization services to students. Schools must provide job descriptions of all health services that an employee may be required to perform. Schools must document catheterization training given to employees and to make it available for any audit.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: If an employee does not feel comfortable with providing a personal and invasive procedure such as catheterization, poor outcomes will result.

Testimony Against: None.

Testified: (In support) Doug Nelson, Beth Byrd, and Lorri Royston, Public School Employees; and Greg Williamson and Gail Thronson, Office of the Superintendent of Public Instruction.

(Support with amendment) Toby Olson, Governor's Committee on Disability Issues and Employment.

(Support with concerns) Donna Obermeyer, Washington State Special Education Coalition.