

SENATE BILL REPORT

SB 5237

As Reported By Senate Committee On:
Education, February 26, 2003

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

Brief Description: Regulating the catheterization of students.

Sponsors: Senators Deccio, Thibaudeau, Parlette, Keiser, Mulliken, Kohl-Welles, Stevens, Hale and Eide.

Brief History:

Committee Activity: Education: 2/18/03, 2/26/03 [DPS-WM].

SENATE COMMITTEE ON EDUCATION

Majority Report: That Substitute Senate Bill No. 5237 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Johnson, Chair; Carlson, Eide, Finkbeiner, Rasmussen and Schmidt.

Staff: Susan Mielke (786-7422)

Background: Federal and state laws require the state to ensure that appropriate special education and related services are provided to children with disabilities who are eligible to receive them. A related service is a supportive service that is necessary to enable the child with the disability to benefit from the special education. In 1984, the U.S. Supreme Court found that bladder catheterizations are a related service. Under state law, school districts and private schools must adopt policies addressing the provision of bladder catheterizations. School employees who are not licensed nurses, but who provide catheterizations for students, must receive training from a physician or registered nurse and that training must be documented in the employee's file.

Catheterization consists of inserting a flexible tube through the urethra into the bladder to empty the bladder.

Summary of Substitute Bill: Public school employees, who are not licensed nurses and who have not agreed in writing to perform catheterizations as a specific part of their job description, may file a written letter of refusal to perform catheterizations for students. The letter of refusal may not constitute grounds for dismissal or other adverse action that would affect the employee's contract status.

Substitute Bill Compared to Original Bill: Language is added to clarify that employees may file a letter of refusal to perform catheterizations if the employees have not agreed in writing to perform the service as a specific part of their job description.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Catheterization is a personal and invasive procedure. It is not always simple and routine -- complications may occur. The risk of problems occurring is greater when the person performing the procedure is uncomfortable doing the procedure. School employees must have the ability to refuse to do this procedure without any fear of reprisal from their employer. It is not in the students' best interest to have unwilling employees perform this procedure. Concerns: This procedure is required by federal statute and case law and school districts are required to provide this procedure for some students.

Testimony Against: None.

Testified: PRO: Doug Nelson, PSE; Lorri Royston, Castle Rock School District; Beth Byrd; Wendy Rader-Konefalski, WFT; Jani Greer, Tacoma Fed. Of Para-Educators; Greg Williamson, OSPI; Christie Perkins, Washington State Special Education Coalition (concerns).