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SENATE BILL 6220

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State of Washington                      60th Legislature                      2008 Regular Session

By Senators Keiser, Parlette, Pflug, Prentice, and Kohl-Welles

Read first time 01/14/08. Referred to Committee on Health & Long-Term Care.

1            AN ACT Relating to delegation of nursing tasks to care for persons  
2 with diabetes; amending RCW 18.79.260 and 18.88A.210; and creating a  
3 new section.

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

5            NEW SECTION.    **Sec. 1.** (1) The legislature finds that Washington  
6 state has developed a strong community-based long-term care system in  
7 an effort to honor the desire of elderly persons and persons with  
8 disabilities to live in their own home or other home-like settings and  
9 to provide long-term care services in a cost-effective manner. The  
10 legislature further finds that more than fifteen percent of adults over  
11 age sixty-five in Washington state have diabetes. Current nurse  
12 delegation statutes limit the ability of elderly and disabled persons  
13 with diabetes to remain in their own homes or in other home-like long-  
14 term care settings.

15            (2) It is the intent of the legislature to modify nurse delegation  
16 statutes to the extent needed to enable elderly persons and persons  
17 with disabilities who have diabetes to continue to reside in their own  
18 home or other home-like settings. While blood glucose testing is

1 already a task that can be delegated, the legislature intends to  
2 authorize nurse delegation of administration of insulin injections as  
3 provided in this act.

4 **Sec. 2.** RCW 18.79.260 and 2003 c 140 s 2 are each amended to read  
5 as follows:

6 (1) A registered nurse under his or her license may perform for  
7 compensation nursing care, as that term is usually understood, to  
8 individuals with illnesses, injuries, or disabilities.

9 (2) A registered nurse may, at or under the general direction of a  
10 licensed physician and surgeon, dentist, osteopathic physician and  
11 surgeon, naturopathic physician, podiatric physician and surgeon,  
12 physician assistant, osteopathic physician assistant, or advanced  
13 registered nurse practitioner acting within the scope of his or her  
14 license, administer medications, treatments, tests, and inoculations,  
15 whether or not the severing or penetrating of tissues is involved and  
16 whether or not a degree of independent judgment and skill is required.  
17 Such direction must be for acts which are within the scope of  
18 registered nursing practice.

19 (3) A registered nurse may delegate tasks of nursing care to other  
20 individuals where the registered nurse determines that it is in the  
21 best interest of the patient.

22 (a) The delegating nurse shall:

23 (i) Determine the competency of the individual to perform the  
24 tasks;

25 (ii) Evaluate the appropriateness of the delegation;

26 (iii) Supervise the actions of the person performing the delegated  
27 task; and

28 (iv) Delegate only those tasks that are within the registered  
29 nurse's scope of practice.

30 (b) A registered nurse, working for a home health or hospice agency  
31 regulated under chapter 70.127 RCW, may delegate the application,  
32 instillation, or insertion of medications to a registered or certified  
33 nursing assistant under a plan of care.

34 (c) Except as authorized in (b) or (e) of this subsection, a  
35 registered nurse may not delegate the administration of medications.  
36 Except as authorized in (e) of this subsection, a registered nurse may

1 not delegate acts requiring substantial skill, and may not delegate  
2 piercing or severing of tissues. Acts that require nursing judgment  
3 shall not be delegated.

4 (d) No person may coerce a nurse into compromising patient safety  
5 by requiring the nurse to delegate if the nurse determines that it is  
6 inappropriate to do so. Nurses shall not be subject to any employer  
7 reprisal or disciplinary action by the nursing care quality assurance  
8 commission for refusing to delegate tasks or refusing to provide the  
9 required training for delegation if the nurse determines delegation may  
10 compromise patient safety.

11 (e) For delegation in community-based care settings or in-home care  
12 settings, a registered nurse may delegate nursing care tasks only to  
13 registered or certified nursing assistants. Simple care tasks such as  
14 blood pressure monitoring, personal care service, diabetic insulin  
15 device set up, verbal verification of insulin dosage for sight-impaired  
16 individuals, or other tasks as defined by the nursing care quality  
17 assurance commission are exempted from this requirement.

18 (i) "Community-based care settings" includes: Community  
19 residential programs for (~~the developmentally disabled~~) people with  
20 developmental disabilities, certified by the department of social and  
21 health services under chapter 71A.12 RCW; adult family homes licensed  
22 under chapter 70.128 RCW; and boarding homes licensed under chapter  
23 18.20 RCW. Community-based care settings do not include acute care or  
24 skilled nursing facilities.

25 (ii) "In-home care settings" include an individual's place of  
26 temporary or permanent residence, but does not include acute care or  
27 skilled nursing facilities, and does not include community-based care  
28 settings as defined in (e)(i) of this subsection.

29 (iii) Delegation of nursing care tasks in community-based care  
30 settings and in-home care settings is only allowed for individuals who  
31 have a stable and predictable condition. "Stable and predictable  
32 condition" means a situation in which the individual's clinical and  
33 behavioral status is known and does not require the frequent presence  
34 and evaluation of a registered nurse.

35 (iv) The determination of the appropriateness of delegation of a  
36 nursing task is at the discretion of the registered nurse. (~~However~~)  
37 Other than delegation of the administration of insulin by injection to

1 certified nursing assistants for the purpose of caring for individuals  
2 with diabetes, the administration of medications by injection, sterile  
3 procedures, and central line maintenance may never be delegated.

4 (v) When delegating insulin injections under (e) of this  
5 subsection, the registered nurse delegator must supervise and evaluate  
6 the individual performing the delegated task weekly during the first  
7 four weeks of delegation of insulin injections. If the registered  
8 nurse delegator determines that the individual is competent to perform  
9 the injection properly and safely, supervision and evaluation shall  
10 occur at least every ninety days thereafter.

11 (vi) The registered nurse shall verify that the nursing assistant  
12 has completed the required core nurse delegation training required in  
13 chapter 18.88A RCW prior to authorizing delegation.

14 (~~(vi)~~) (vii) The nurse is accountable for his or her own  
15 individual actions in the delegation process. Nurses acting within the  
16 protocols of their delegation authority are immune from liability for  
17 any action performed in the course of their delegation duties.

18 (~~(vii)~~) (viii) Nursing task delegation protocols are not intended  
19 to regulate the settings in which delegation may occur, but are  
20 intended to ensure that nursing care services have a consistent  
21 standard of practice upon which the public and the profession may rely,  
22 and to safeguard the authority of the nurse to make independent  
23 professional decisions regarding the delegation of a task.

24 (f) The nursing care quality assurance commission may adopt rules  
25 to implement this section.

26 (4) Only a person licensed as a registered nurse may instruct  
27 nurses in technical subjects pertaining to nursing.

28 (5) Only a person licensed as a registered nurse may hold herself  
29 or himself out to the public or designate herself or himself as a  
30 registered nurse.

31 **Sec. 3.** RCW 18.88A.210 and 2003 c 140 s 5 are each amended to read  
32 as follows:

33 (1) A nursing assistant meeting the requirements of this section  
34 who provides care to individuals in community-based care settings or  
35 in-home care settings, as defined in RCW 18.79.260(3), may accept  
36 delegation of nursing care tasks by a registered nurse as provided in  
37 RCW 18.79.260(3).

1 (2) For the purposes of this section, "nursing assistant" means a  
2 nursing assistant-registered or a nursing assistant-certified. Nothing  
3 in this section may be construed to affect the authority of nurses to  
4 delegate nursing tasks to other persons, including licensed practical  
5 nurses, as authorized by law.

6 (3)(a) Before commencing any specific nursing care tasks authorized  
7 under this chapter, the nursing assistant must (~~((a))~~) (i) provide to  
8 the delegating nurse a certificate of completion issued by the  
9 department of social and health services indicating the completion of  
10 basic core nurse delegation training, (~~((b))~~) (ii) be regulated by the  
11 department of health pursuant to this chapter, subject to the uniform  
12 disciplinary act under chapter 18.130 RCW, and (~~((e))~~) (iii) meet any  
13 additional training requirements identified by the nursing care quality  
14 assurance commission. Exceptions to these training requirements must  
15 adhere to RCW 18.79.260(3)(e)(~~((v))~~) (vi).

16 (b) In addition to meeting the requirements of (a) of this  
17 subsection, before commencing the care of individuals with diabetes  
18 that involves administration of insulin by injection, the certified  
19 nursing assistant must provide to the delegating nurse a certificate of  
20 completion issued by the department of social and health services  
21 indicating completion of specialized diabetes nurse delegation  
22 training. The training must include, but is not limited to,  
23 instruction regarding diabetes, insulin, and proper injection  
24 procedures.

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