

HOUSE BILL REPORT

SHB 1753

As Passed House:
February 9, 2012

Title: An act relating to clarifying the authority of a nurse working in a school setting.

Brief Description: Clarifying the authority of a nurse working in a school setting.

Sponsors: House Committee on Education (originally sponsored by Representatives Liias, Hope, Clibborn, Maxwell and Billig).

Brief History:

Committee Activity:

Education: 3/18/11, 1/13/12, 1/23/12 [DPS].

Floor Activity:

Passed House: 2/9/12, 61-36.

Brief Summary of Substitute Bill

- Provides that only a registered nurse or advanced registered nurse practitioner may supervise, direct, or evaluate a licensed nurse working in a school setting with respect to the practice of nursing.
- Defines practice of nursing for purposes of this provision.
- Specifies that nothing prevents a non-nurse supervisor from conferring with a licensed nurse in a school setting regarding the practice of nursing; prevents a non-nurse supervisor from supervising with respect to matters other than the practice of nursing; or requires clinical supervision in a school setting.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Santos, Chair; Lytton, Vice Chair; Angel, Billig, Finn, Haigh, Hunt, Klippert, Ladenburg, Liias, Maxwell, McCoy and Probst.

Minority Report: Do not pass. Signed by 7 members: Representatives Dammeier, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Dahlquist, Assistant Ranking Minority Member; Ahern, Fagan, Hargrove and Wilcox.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Cece Clynch (786-7195).

Background:

Students attend school with a broad range of health conditions. These range from potentially life-threatening acute and chronic conditions to correctable vision problems.

The attendance of children at public schools is conditioned upon the presentation, before or on each child's first day of attendance, of a medication or treatment order addressing any life-threatening health condition that the child has that may require medical services to be performed at the school. Once such an order has been presented, the child is allowed to attend school.

Nursing is one of many professions whose practice is defined in, and governed by, provisions found in the Businesses and Professions title of the Revised Code of Washington.

Summary of Substitute Bill:

The following findings are made with respect to nursing practice in general, and school nurses in particular:

- Nursing is governed by specific laws and requires a license to practice.
- Student health needs have changed over the last 20 years and the number of students with special health care needs has risen exponentially.
- School nurses are held accountable through two different chapters in statutory law.
- Individuals who are not nurses are unqualified to make nursing judgments and assessments, and the ability of a nurse to practice nursing without the supervision of a non-nurse supervisor is important.

Intent is expressed, in light of these findings, to reaffirm the authority of a licensed nurse working in a school setting to practice nursing without the supervision of a person who is not a licensed nurse. It is specifically *not* the intent to:

- prohibit a non-nurse from supervising a licensed nurse working in a school setting with respect to matters other than the practice of nursing, such as matters of administration, terms and conditions of employment, and employee performance; or
- require a school to provide clinical supervision for a licensed nurse working in a school setting.

Provisions are added to the school code stating that only a registered nurse or an advanced registered nurse practitioner may supervise, direct, or evaluate a licensed nurse working in a school setting with respect to the practice of nursing. It is specifically stated, however, that nothing: prohibits a non-nurse supervisor from supervising, directing, or evaluating with respect to other matters; requires a registered nurse or advanced registered nurse practitioner to be clinically supervised; or prohibits a non-nurse supervisor from conferring with the nurse regarding the practice of nursing.

"Practice of nursing" is defined as registered nursing practice, advanced nursing practice, and licensed practical nursing as defined in the Businesses and Professions title of the Revised Code of Washington, including, but not limited to, the administration of medication pursuant

to a medication or treatment order and the decision to summon emergency medical assistance. Such practice also encompasses compliance with any state or federal statute, or administrative rule specifically regulating licensed nurses, including any statute or rule defining or establishing standards of patient care, professional conduct, or practice.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) There are many challenges faced by school nurses. While more school nurses are needed, this bill does not address that. This bill is not about employee ratios, or how many nurses should be in the building. Rather, this bill tries to clarify how nurses and non-nurse administrators interact. When nurses in a school setting are making medical decisions, the only supervision that is appropriate with respect to the medical and nursing decisions would be the supervision of a medical professional. While it is appropriate for a non-nurse supervisor, such as a principal, to be in the room or to be kept informed, non-nurse supervisors should not be able to override the nurse and determine whether emergency help is summoned or an EpiPen administered. Collective bargaining agreements are not implicated by this bill. The majority of school nurses have good working relationships with their supervisors and administrators but there are rare situations where it needs to be very clear that the health professional has the authority to make medical decisions. Nurses are licensed and must follow their nursing licenses. There are 33,000 students in Washington with life-threatening conditions. In one situation, a nurse administered an EpiPen and the administrator questioned her medical judgment on that decision. Ultimately, a decision was made in favor of the nurse. Decisions such as these affect our children's health.

(With concerns) It would be better if more nurses were in schools. It is ultimately the principal who is held responsible, and this bill gets to the issue of who is in charge. It would be better if the bill indicated in section 2 that it is not the intent to exclude administrators from being part of the discussion. Sometimes, there can be situations where a principal may have to act almost as a broker between the nurse who indicates that a child needs to be transported by ambulance and a parent who says no to such transport. That is why principals want to be part of the process.

(Opposed) None.

Persons Testifying: (In support) Kathleen Johnson, School Nurse Organization of Washington; Theresa Hutchison, Nurse Practice Advisory Group and School Nurse Organization of Washington; and Melissa Johnson, Washington State Nurses Association.

(With concerns) Jerry Bender, Association of Washington Principals.

Persons Signed In To Testify But Not Testifying: None.