

SENATE BILL REPORT

SHB 1753

As Reported by Senate Committee On:
Early Learning & K-12 Education, February 22, 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: Passed House: 2/09/12, 61-36.

Committee Activity: Early Learning & K-12 Education: 2/20/12, 2/22/12 [DP, w/oRec].

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass.

Signed by Senators McAuliffe, Chair; Rolfes, Vice Chair; Litzow, Ranking Minority Member; Eide, Harper, Hill, Hobbs, King, Nelson and Tom.

Minority Report: That it be referred without recommendation.

Signed by Senator Fain.

Staff: Lidia Mori (786-7755)

Background: School nursing is a specialized practice of professional nursing that advances the well-being, academic success and life-long achievement and health of students. Students in school have a broad range of health conditions ranging from potentially life-threatening acute or chronic conditions to correctable conditions such as vision problems. Licensed Practical Nurses (LPN's) are fully licensed health professionals. According to the Staff Model for the Delivery of School Health Services on the website of the Washington State Office of Superintendent of Public Instruction, LPN's may give medications in school settings, including injections, with indirect registered nurse (RN) supervision. WAC 246-840-705 describes the functions of a licensed practical nurse and states that the LPN performs services requiring knowledge, skill and judgment necessary for carrying out selected aspects of the designated nursing regimen. In general, a LPN recognizes and meets basic client needs in routine nursing situations, which are defined as situations that are relatively free of scientific complexity, involving stable and predictable client conditions. Indirect supervision by an RN who is not on school premises is within the standards of care,

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as long as the LPN is providing care for students in routine, noncomplex situations and as long as the supervisory role of the RN has been established.

Summary of 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.

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 is reaffirmed. 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 RN or an advanced RN 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 RN or advanced RN 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.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This bill clarifies an education law that a non-nurse school administrator cannot direct the clinical practice of a nurse in a school setting.

Nurses are accountable to the licensing laws and they need to be unhindered in providing emergency care in emergency situations. There isn't clarity regarding who supervises a nurse in a school setting. Principals cannot be in the practice of directing a nurse engaged in her clinical practice in the school. Nothing in the bill addresses the ration of school nurses to students in schools.

Persons Testifying: PRO: Representative Liias, prime sponsor; Nancy Sutherland, School Nurses Assn. of WA; Christine Reheis Cattle, RN.