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HOUSE BILL 2247

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State of Washington

62nd Legislature

2012 Regular Session

By Representatives Green, Cody, Billig, Fitzgibbon, Reykdal, Maxwell, Jinkins, Finn, Moeller, and Ryu

Read first time 01/10/12. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to expanding the types of medications that a public  
2 or private school employee may administer to include topical  
3 medication, eye drops, and ear drops; and amending RCW 28A.210.260 and  
4 28A.210.270.

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

6 **Sec. 1.** RCW 28A.210.260 and 2000 c 63 s 1 are each amended to read  
7 as follows:

8 Public school districts and private schools which conduct any of  
9 grades kindergarten through the twelfth grade may provide for the  
10 administration of oral medication, topical medication, eye drops, or  
11 ear drops of any nature to students who are in the custody of the  
12 school district or school at the time of administration, but are not  
13 required to do so by this section, subject to the following conditions:

14 (1) The board of directors of the public school district or the  
15 governing board of the private school or, if none, the chief  
16 administrator of the private school shall adopt policies which address  
17 the designation of employees who may administer oral medications,  
18 topical medications, eye drops, or ear drops to students, the  
19 acquisition of parent requests and instructions, and the acquisition of

1 requests from licensed health professionals prescribing within the  
2 scope of their prescriptive authority and instructions regarding  
3 students who require medication for more than fifteen consecutive  
4 school days, the identification of the medication to be administered,  
5 the means of safekeeping medications with special attention given to  
6 the safeguarding of legend drugs as defined in chapter 69.41 RCW, and  
7 the means of maintaining a record of the administration of such  
8 medication;

9 (2) The board of directors shall seek advice from one or more  
10 licensed physicians or nurses in the course of developing the foregoing  
11 policies;

12 (3) The public school district or private school is in receipt of  
13 a written, current and unexpired request from a parent, or a legal  
14 guardian, or other person having legal control over the student to  
15 administer the medication to the student;

16 (4) The public school district or the private school is in receipt  
17 of (a) a written, current and unexpired request from a licensed health  
18 professional prescribing within the scope of his or her prescriptive  
19 authority for administration of the medication, as there exists a valid  
20 health reason which makes administration of such medication advisable  
21 during the hours when school is in session or the hours in which the  
22 student is under the supervision of school officials, and (b) written,  
23 current and unexpired instructions from such licensed health  
24 professional prescribing within the scope of his or her prescriptive  
25 authority regarding the administration of prescribed medication to  
26 students who require medication for more than fifteen consecutive  
27 workdays;

28 (5) The medication is administered by an employee designated by or  
29 pursuant to the policies adopted pursuant to subsection (1) of this  
30 section and in substantial compliance with the prescription of a  
31 licensed health professional prescribing within the scope of his or her  
32 prescriptive authority or the written instructions provided pursuant to  
33 subsection (4) of this section;

34 (6) The medication is first examined by the employee administering  
35 the same to determine in his or her judgment that it appears to be in  
36 the original container and to be properly labeled; and

37 (7) The board of directors shall designate a professional person  
38 licensed pursuant to chapter 18.71 RCW or chapter 18.79 RCW as it

1 applies to registered nurses and advanced registered nurse  
2 practitioners, to delegate to, train, and supervise the designated  
3 school district personnel in proper medication procedures.

4 **Sec. 2.** RCW 28A.210.270 and 2000 c 63 s 2 are each amended to read  
5 as follows:

6 (1) In the event a school employee administers oral medication,  
7 topical medication, eye drops, or ear drops to a student pursuant to  
8 RCW 28A.210.260 in substantial compliance with the prescription of the  
9 student's licensed health professional prescribing within the scope of  
10 the professional's prescriptive authority or the written instructions  
11 provided pursuant to RCW 28A.210.260(4), and the other conditions set  
12 forth in RCW 28A.210.260 have been substantially complied with, then  
13 the employee, the employee's school district or school of employment,  
14 and the members of the governing board and chief administrator thereof  
15 shall not be liable in any criminal action or for civil damages in  
16 their individual or marital or governmental or corporate or other  
17 capacities as a result of the administration of the medication.

18 (2) The administration of oral medication, topical medication, eye  
19 drops, or ear drops to any student pursuant to RCW 28A.210.260 may be  
20 discontinued by a public school district or private school and the  
21 school district or school, its employees, its chief administrator, and  
22 members of its governing board shall not be liable in any criminal  
23 action or for civil damages in their governmental or corporate or  
24 individual or marital or other capacities as a result of the  
25 discontinuance of such administration: PROVIDED, That the chief  
26 administrator of the public school district or private school, or his  
27 or her designee, has first provided actual notice orally or in writing  
28 in advance of the date of discontinuance to a parent or legal guardian  
29 of the student or other person having legal control over the student.

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