
SENATE BILL 6174

State of Washington 62nd Legislature 2012 Regular Session

By Senators Conway, Pflug, Keiser, Pridemore, Roach, and Chase

Read first time 01/13/12. Referred to Committee on Early Learning & K-12 Education.

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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