

SB 6128 - H COMM AMD
By Committee on Education

ADOPTED AS AMENDED 03/06/2014

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** Students in public schools are bringing
4 more health conditions to school at the same time school districts are
5 reducing nursing services. As a result, school districts are becoming
6 more dependent upon unlicensed, minimally trained, and many times
7 unwilling classified employees to provide these services.

8 Over the years, unlicensed employees have sought and received
9 legislative approval for protections from employer reprisal if they
10 refuse to deliver nursing services and liability protections if they
11 provide nursing services that harm a student. It is clear that
12 unlicensed employees will be expected to deliver new medications and
13 nursing services not currently recognized in state law to students in
14 the future.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.210
16 RCW to read as follows:

17 (1) Beginning July 1, 2014, a school district employee not licensed
18 under chapter 18.79 RCW who is asked to administer medications or
19 perform nursing services not previously recognized in law shall at the
20 time he or she is asked to administer the medication or perform the
21 nursing service file, without coercion by the employer, a voluntary
22 written, current, and unexpired letter of intent stating the employee's
23 willingness to administer the new medication or nursing service. It is
24 understood that the letter of intent will expire if the conditions of
25 acceptance are substantially changed. If a school employee who is not
26 licensed under chapter 18.79 RCW chooses not to file a letter under
27 this section, the employee is not subject to any employer reprisal or
28 disciplinary action for refusing to file a letter.

1 (2) In the event a school employee provides the medication or
2 service to a student in substantial compliance with (a) rules adopted
3 by the state nursing care quality assurance commission and the
4 instructions of a registered nurse or advanced registered nurse
5 practitioner issued under such rules, and (b) written policies of the
6 school district or private school, then the employee, the employee's
7 school district or school of employment, and the members of the
8 governing board and chief administrator thereof are not liable in any
9 criminal action or for civil damages in his or her individual, marital,
10 governmental, corporate, or other capacity as a result of providing the
11 medication or service.

12 (3) The board of directors shall designate a professional person
13 licensed under chapter 18.71, 18.57, or 18.79 RCW as it applies to
14 registered nurses and advanced registered nurse practitioners to
15 consult and coordinate with the student's parents and health care
16 provider, and train and supervise the appropriate school district
17 personnel in proper procedures to ensure a safe, therapeutic learning
18 environment. School employees must receive the training provided under
19 this subsection before they are authorized to deliver the service or
20 medication. Such training must be provided, where necessary, on an
21 ongoing basis to ensure that the proper procedures are not forgotten
22 because the services or medication are delivered infrequently.

23 **Sec. 3.** RCW 4.24.300 and 2004 c 87 s 1 are each amended to read as
24 follows:

25 (1) Any person, including but not limited to a volunteer provider
26 of emergency or medical services, who without compensation or the
27 expectation of compensation renders emergency care at the scene of an
28 emergency or who participates in transporting, not for compensation,
29 therefrom an injured person or persons for emergency medical treatment
30 shall not be liable for civil damages resulting from any act or
31 omission in the rendering of such emergency care or in transporting
32 such persons, other than acts or omissions constituting gross
33 negligence or willful or wanton misconduct. Any person rendering
34 emergency care during the course of regular employment and receiving
35 compensation or expecting to receive compensation for rendering such
36 care is excluded from the protection of this subsection.

1 (2) Any licensed health care provider regulated by a disciplining
2 authority under RCW 18.130.040 in the state of Washington who, without
3 compensation or the expectation of compensation, provides health care
4 services at a community health care setting is not liable for civil
5 damages resulting from any act or omission in the rendering of such
6 care, other than acts or omissions constituting gross negligence or
7 willful or wanton misconduct.

8 (3) For purposes of subsection (2) of this section, "community
9 health care setting" means an entity that provides health care services
10 and:

11 (a) Is a clinic operated by a public entity or private tax exempt
12 corporation, except a clinic that is owned, operated, or controlled by
13 a hospital licensed under chapter 70.41 RCW unless the hospital-based
14 clinic either:

15 (i) Maintains and holds itself out to the public as having
16 established hours on a regular basis for providing free health care
17 services to members of the public to the extent that care is provided
18 without compensation or expectation of compensation during those
19 established hours; or

20 (ii) Is participating, through a written agreement, in a community-
21 based program to provide access to health care services for uninsured
22 persons, to the extent that:

23 (A) Care is provided without compensation or expectation of
24 compensation to individuals who have been referred for care through
25 that community-based program; and

26 (B) The health care provider's participation in the community-based
27 program is conditioned upon his or her agreement to provide health
28 services without expectation of compensation;

29 (b) Is a for-profit corporation that maintains and holds itself out
30 to the public as having established hours on a regular basis for
31 providing free health care services to members of the public to the
32 extent that care is provided without compensation or expectation of
33 compensation during those established hours; or

34 (c) Is a for-profit corporation that is participating, through a
35 written agreement, in a community-based program to provide access to
36 health care services for uninsured persons, to the extent that:

37 (i) Care is provided without compensation or expectation of

1 compensation to individuals who have been referred for care through
2 that community-based program; and

3 (ii) The health care provider's participation in the community-
4 based program is conditioned upon his or her agreement to provide
5 health services without expectation of compensation.

6 (4) Any school district employee not licensed under chapter 18.79
7 RCW who renders emergency care at the scene of an emergency during an
8 officially designated school activity or who participates in
9 transporting therefrom an injured person or persons for emergency
10 medical treatment shall not be liable for civil damages resulting from
11 any act or omission in the rendering of such emergency care or in
12 transporting such persons, other than acts or omissions constituting
13 gross negligence or willful or wanton misconduct."

14 Correct the title.

EFFECT: Adds nonnurse school employees to the list of individuals who are not liable for civil damages resulting from any act or omission in the rendering of emergency care at the scene of an emergency during a school activity or in the transporting a person therefrom, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

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