

SHB 1541 - S COMM AMD

By Committee on Early Learning & K-12 Education

ADOPTED 04/15/2013

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

3 "Sec. 1. RCW 28A.210.260 and 2012 c 16 s 1 are each amended to
4 read as follows:

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

12 (1) The board of directors of the public school district or the
13 governing board of the private school or, if none, the chief
14 administrator of the private school shall adopt policies which address
15 the designation of employees who may administer oral medications,
16 topical medications, eye drops, ~~((or))~~ ear drops, or nasal spray to
17 students, the acquisition of parent requests and instructions, and the
18 acquisition of requests from licensed health professionals prescribing
19 within the scope of their prescriptive authority and instructions
20 regarding students who require medication for more than fifteen
21 consecutive school days, the identification of the medication to be
22 administered, the means of safekeeping medications with special
23 attention given to the safeguarding of legend drugs as defined in
24 chapter 69.41 RCW, and the means of maintaining a record of the
25 administration of such medication;

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

29 (3) The public school district or private school is in receipt of

1 a written, current and unexpired request from a parent, or a legal
2 guardian, or other person having legal control over the student to
3 administer the medication to the student;

4 (4) The public school district or the private school is in receipt
5 of (a) a written, current and unexpired request from a licensed health
6 professional prescribing within the scope of his or her prescriptive
7 authority for administration of the medication, as there exists a valid
8 health reason which makes administration of such medication advisable
9 during the hours when school is in session or the hours in which the
10 student is under the supervision of school officials, and (b) written,
11 current and unexpired instructions from such licensed health
12 professional prescribing within the scope of his or her prescriptive
13 authority regarding the administration of prescribed medication to
14 students who require medication for more than fifteen consecutive
15 workdays;

16 (5) The medication is administered by an employee designated by or
17 pursuant to the policies adopted pursuant to subsection (1) of this
18 section and in substantial compliance with the prescription of a
19 licensed health professional prescribing within the scope of his or her
20 prescriptive authority or the written instructions provided pursuant to
21 subsection (4) of this section. If a school nurse is on the premises,
22 a nasal spray that is a legend drug or a controlled substance must be
23 administered by the school nurse. If no school nurse is on the
24 premises, a nasal spray that is a legend drug or a controlled substance
25 may be administered by a trained school employee or parent-designated
26 adult who is not a school nurse. The board of directors shall allow
27 school personnel, who have received appropriate training and
28 volunteered for such training, to administer a nasal spray that is a
29 legend drug or a controlled substance. After a school employee who is
30 not a school nurse administers a nasal spray that is a legend drug or
31 a controlled substance, the employee shall summon emergency medical
32 assistance as soon as practicable;

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

36 (7) The board of directors shall designate a professional person
37 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 (8)(a) For the purposes of this section, "parent-designated adult"
5 means a volunteer, who may be a school district employee, who receives
6 additional training from a health care professional or expert in
7 epileptic seizure care selected by the parents, and who provides care
8 for the child consistent with the individual health plan.

9 (b) To be eligible to be a parent-designated adult, a school
10 district employee not licensed under chapter 18.79 RCW must file,
11 without coercion by the employer, a voluntary written, current, and
12 unexpired letter of intent stating the employee's willingness to be a
13 parent-designated adult. If a school employee who is not licensed
14 under chapter 18.79 RCW chooses not to file a letter under this
15 section, the employee shall not be subject to any employer reprisal or
16 disciplinary action for refusing to file a letter.

17 (9) The board of directors shall designate a professional person
18 licensed under chapter 18.71, 18.57, or 18.79 RCW as it applies to
19 registered nurses and advanced registered nurse practitioners, to
20 consult and coordinate with the student's parents and health care
21 provider, and train and supervise the appropriate school district
22 personnel in proper procedures for care for students with epilepsy to
23 ensure a safe, therapeutic learning environment. Training may also be
24 provided by an epilepsy educator who is nationally certified. Parent-
25 designated adults who are school employees are required to receive the
26 training provided under this subsection. Parent-designated adults who
27 are not school employees must show evidence of comparable training.
28 The parent-designated adult must also receive additional training as
29 established in subsection (8)(a) of this section for the additional
30 care the parents have authorized the parent-designated adult to
31 provide. The professional person designated under this subsection is
32 not responsible for the supervision of the parent-designated adult for
33 those procedures that are authorized by the parents.

34 **Sec. 2.** RCW 28A.210.270 and 2012 c 16 s 2 are each amended to read
35 as follows:

36 (1) In the event a school employee administers oral medication,
37 topical medication, eye drops, ~~((or))~~ ear drops, or nasal spray to a

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

12 (2) The administration of oral medication, topical medication, eye
13 drops, (~~(or)~~) ear drops, or nasal spray to any student pursuant to RCW
14 28A.210.260 may be discontinued by a public school district or private
15 school and the school district or school, its employees, its chief
16 administrator, and members of its governing board shall not be liable
17 in any criminal action or for civil damages in their governmental or
18 corporate or individual or marital or other capacities as a result of
19 the discontinuance of such administration: PROVIDED, That the chief
20 administrator of the public school district or private school, or his
21 or her designee, has first provided actual notice orally or in writing
22 in advance of the date of discontinuance to a parent or legal guardian
23 of the student or other person having legal control over the student."

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24 On page 1, line 2 of the title, after "spray;" strike the remainder
25 of the title and insert "and amending RCW 28A.210.260 and 28A.210.270."

EFFECT: Adds that a school board shall allow school personnel who

have received appropriate training and volunteered for such training to administer nasal spray that is a legend drug or a controlled substance. Adds that a parent-designated adult may administer a nasal spray that is a legend drug or a controlled substance. Adds a definition of parent-designated adult and procedures concerning a parent-designated adult. Includes the underlying portions of the bill.

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