

HOUSE BILL REPORT

HB 1541

As Reported by House Committee On: Health Care & Wellness

Title: An act relating to expanding the types of medications that a public or private school employee may administer to include nasal spray.

Brief Description: Expanding the types of medications that a public or private school employee may administer to include nasal spray.

Sponsors: Representatives Klippert, Cody, Schmick, Green, Harris, Chandler, Kristiansen, Morrell, Ryu, Angel, Jinkins, Van De Wege and Pollet.

Brief History:

Committee Activity:

Health Care & Wellness: 2/15/13, 2/22/13 [DPS].

Brief Summary of Substitute Bill

- Allows school employees to administer nasal sprays.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 16 members: Representatives Cody, Chair; Jinkins, Vice Chair; Schmick, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Angel, Clibborn, Green, Manweller, Moeller, Morrell, Riccelli, Rodne, Ross, Short, Tharinger and Van De Wege.

Staff: Jim Morishima (786-7191).

Background:

A public or private school employee may administer oral medications, topical medications, eye drops, or ear drops to children who are in the custody of the public or private school at the time of administration if the following conditions are met:

- the school district or the private school has policies that address:
 - the designation of the employees who may administer the medications;
 - the acquisition of parent requests and instructions; and

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- requests from licensed health professionals prescribing within the scope of their prescriptive authority and instructions regarding students who require medication for more than 15 consecutive school days, the identification of the medication to be administered, the means of safekeeping medications, and the means of maintaining records of the administration of the medications;
- the school district or private school possesses a written, current, and unexpired request of a parent, legal guardian, or other person having legal control over the student to administer the medication to the student;
- the public school district or private school possesses:
 - a written, current, and unexpired request from a licensed health professional acting within the scope of his or her prescriptive authority for administration of the medication, because there exists a valid health reason that makes administration of the medication advisable during school hours or the hours when the student is under the supervision of school officials; and
 - written, current, and unexpired instructions from the licensed health professional regarding the administration of the medication to students who require medication for more than 15 consecutive work days;
- the medication is administered by a designated school employee in compliance with the prescription or written instructions;
- the medication is first examined by the employee administering the medication to determine whether it appears to be in the original container and properly labeled; and
- a physician, advanced registered nurse practitioner, or registered nurse has been designated to train and supervise the designated employee in proper medication procedures.

A school employee, school district, or private school is immune from civil or criminal liability arising from the administration of medications in a manner that complies with state law, the applicable prescription, and applicable written instructions. Similarly, a school employee, school district, or private school is immune from criminal or civil liability for the discontinuance of the medication as long as notice has been given to the parent, legal guardian, or other person having legal control over the student.

Summary of Substitute Bill:

The type of medication that may be administered by a school employee is expanded to include nasal spray. If a school nurse is on the premises, he or she must administer a nasal spray that is a legend drug or a controlled substance. If no school nurse is on the premises, a non-nurse employee may administer a spray that is a legend drug or a controlled substance as long as he or she summons emergency medical assistance as soon as practicable.

Substitute Bill Compared to Original Bill:

The substitute bill:

- requires a school nurse to administer a nasal spray that is a legend drug or a controlled substance if he or she is on the premises;

- allows a non-nurse employee to administer a nasal spray that is a legend drug or controlled substance if a school nurse is not on the premises; and
 - requires a non-nurse employee to summon emergency medical assistance as soon as practicable after administering a nasal spray that is a legend drug or a controlled substance.
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Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill will save the lives of children by allowing school personnel to administer nasal sprays used to interrupt epileptic seizures. These sprays are easy to administer. A child having a seizure can suffer brain damage within three minutes. To not allow a school employee to administer an anti-seizure nasal spray is unconscionable.

(With concerns) Nasal sprays used to interrupt seizures can result in respiratory depression and other serious consequences. The solution to this issue is not to allow untrained personnel to administer the sprays; the solution is to employ more school nurses. Nurses know what to look for and know how to assess a patient before and after a nasal spray has been administered. The Nursing Care Quality Assurance Commission is considering addressing this issue through an interpretive statement; this bill will interrupt that process. Non-nurse personnel have other responsibilities and it is unfair to place this burden on them.

(Opposed) None.

Persons Testifying: (In support) Representative Klippert, prime sponsor; Brent Hewmann, Epilepsy Foundation Northwest; Heather Franklin; and Brian Wiele, Epilepsy Foundation.

(With concerns) Nancy Sutherland, Edmonds School District and School Nurse Organization of Washington; Cindy Novak, Tahoma School District and School Nurse Organization of Washington; and Sofia Aragon, Washington State Nurses Association.

Persons Signed In To Testify But Not Testifying: None.