

FINAL BILL REPORT

SHB 1541

C 180 L 13

Synopsis as Enacted

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

Sponsors: House Committee on Health Care & Wellness (originally sponsored by Representatives Klippert, Cody, Schmick, Green, Harris, Chandler, Kristiansen, Morrell, Ryu, Angel, Jinkins, Van De Wege and Pollet).

House Committee on Health Care & Wellness
Senate Committee on Early Learning & K-12 Education

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 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
 - requests from licensed health professionals prescribing within the scope of their prescriptive authorities 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;

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- 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:

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 or parent-designated adult 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.

"Parent-designated adult" is defined as a volunteer or school district employee who receives additional training from a health care professional or expert in epileptic seizure care selected by the parents and who provides care consistent with the child's individual health plan. The board of directors of the school district (Board) must allow school personnel who have received appropriate training and volunteered for such training to administer a nasal spray that is a controlled substance or a legend drug.

A parent-designated adult who is a school district employee must file a voluntary, written, current, and unexpired letter of intent stating the employee's willingness to be a parent-designated adult. An employee who refuses to file a letter may not be subjected to reprisal or disciplinary action.

The Board must designate a physician, osteopathic physician, registered nurse, or advanced registered nurse practitioner (who is not responsible for the supervision of the parent-designated adult) to consult and coordinate with the student's parents and health care provider to train and supervise the appropriate school district personnel in proper procedures for care for students with epilepsy to ensure a safe, therapeutic learning environment. The training may also be provided by a nationally certified epilepsy educator. Parent-designated adults who are school employees must receive the training. Parent-designated adults who are not school employees must provide evidence of comparable training. Parent-designated adults must also receive training from a health care professional or expert in epileptic seizure care selected by the parents.

Votes on Final Passage:

House 97 0
Senate 48 0 (Senate amended)
House 94 0 (House concurred)

Effective: July 28, 2013