
Education Committee

HB 2366

Brief Description: Concerning the delivery of medication and services by unlicensed school employees.

Sponsors: Representatives Morrell, Ryu, Van De Wege and Cody.

Brief Summary of Bill

- Requires school district employees who are not nurses, but are asked to administer medications or perform nursing services, to file a voluntary written, current, and unexpired letter of intent stating their willingness to administer any medication or nursing service.
- Provides that the employee, the employee's school district, and the members of the governing board and chief administrator are not liable in any criminal action or for civil damages as a result of the employee's provision of the medication or service in substantial compliance with certain rules and policies.
- Requires the board of directors to designate certain licensed professionals to consult and coordinate with the student's parents and health care provider, as well as train and supervise the employees in proper procedures.

Hearing Date: 2/4/14

Staff: Megan Wargacki (786-7194).

Background:

School employees are allowed to administer certain medications to students in their custody, including oral and topical medications, eye and ear drops, nasal sprays when certain conditions have been met.

Trained school employee or parent-designated adult may administer controlled substances and prescription nasal sprays when a school nurse is not on the premises, but emergency medical assistance must be called as soon as possible.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A parent-designated adult is a non-nurse school employee who:

- files a voluntary written, current and unexpired letter of intent stating their willingness to be a parent-designated adult;
- receives additional training from a health care professional; and
- provides care for a child consistent with their Individual Health Plan.

A school's registered nurse may delegate nursing care tasks to non-nurse school employees when the registered nurse determines that this is in the best interests of the patient. Non-nurse school employees trained by a licensed health care professional may provide bladder catheterization or assisted self-catheterization of students when certain conditions have been met.

The job description of any school district employee must contain a list of all the health services the employee may be required to perform for students. Non-nurse school employees who are asked as part of their job description to administer epinephrine using an autoinjector may either agree or refuse to do so in writing.

When a school employee administers medication to a student in substantial compliance with the prescription or the written instructions provided, along with other written policies, the employee, employee's school district, and members of the governing board and chief administrator will not be liable in any criminal action or for civil damages as a result of the administration of the medication.

Summary of Bill:

Starting July 1, 2014, a school district employee who is not a nurse but is asked to administer medications or perform nursing services must file, without coercion by the employer, a voluntary written, current, and unexpired letter of intent stating the employee's willingness to administer the new medication or nursing service. The letter of intent will expire if the conditions of the employee's acceptance change substantially. If a school employee chooses not to file this letter, the employee is not subject to any employer reprisal or disciplinary action.

In the event a school employee provides the medication or service to a student in substantial compliance with: (1) rules adopted by the state nursing care quality assurance commission and the instructions of a registered nurse or advanced registered nurse practitioner issued under such rules; and (2) the written policies of the school district, then the employee, the employee's school district, and the members of the governing board and chief administrator are not liable in any criminal action or for civil damages as a result of the provision of the medication or service.

The board of directors must designate a licensed physician, osteopath, registered nurse or advanced registered nurse practitioner to consult and coordinate with the student's parents and health care provider, and train and supervise the appropriate school district personnel in proper procedures to ensure a safe, therapeutic learning environment. School employees must receive training before they are authorized to deliver any service or medication, as well as be retrained on an ongoing basis to ensure that the proper procedures are not forgotten.

Appropriation: None.

Fiscal Note: Not requested.

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