

# HOUSE BILL REPORT

## SB 6128

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### As Passed House - Amended:

March 6, 2014

**Title:** An act relating to the delivery of medication and services by unlicensed school employees.

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

**Sponsors:** Senators Litzow, McAuliffe, Hobbs, Dammeier, Tom and Mullet.

### Brief History:

#### Committee Activity:

Education: 2/19/14, 2/26/14 [DPA].

#### Floor Activity:

Passed House - Amended: 3/6/14, 95-2.

### Brief Summary of Bill (As Amended by House)

- Requires a non-nurse school district employee asked to administer certain medications or perform nursing services to file a voluntary written, current, and unexpired letter of intent stating the employee's willingness to administer the 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.
- Ensures that non-nurse school employees are not liable for civil damages resulting from any act or omission when rendering emergency care or transporting people from an emergency.

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*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.*

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## HOUSE COMMITTEE ON EDUCATION

**Majority Report:** Do pass as amended. Signed by 19 members: Representatives Santos, Chair; Stonier, Vice Chair; Dahlquist, Ranking Minority Member; Magendanz, Assistant Ranking Minority Member; Bergquist, Fey, Haigh, Hargrove, Hawkins, Hayes, S. Hunt, Klippert, Lytton, Muri, Orwall, Parker, Pollet, Seaquist and Warnick.

**Staff:** Megan Wargacki (786-7194).

### **Background:**

Washington regulates its nursing industry. Individuals are not authorized to practice as a registered nurse, advanced registered nurse practitioner (nurse practitioner), or licensed practical nurse without a valid license. In 2005 the state Nursing Care Quality Assurance Commission (Commission) was established by the Legislature. The Commission adopts rules on nursing preparation and licensure, nursing practice, and continuing education.

Untrained school district employees are allowed to administer certain medications to students in their custody, including oral and topical medications, eye and ear drops, and nasal sprays, when certain conditions have been met. The job description of any school employee must contain a list of all the health services the employee may be required to perform for students.

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. 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.

Trained non-nurse school employees or parent-designated adults may administer controlled substances and prescription nasal sprays when a school nurse is not on the premises, but must call emergency medical assistance as soon as possible after the medication is administered. 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 the child's Individual Health Plan.

When a non-nurse school employee administers medication to a student in substantial compliance with the prescription or 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.

Washington's Good Samaritan law limits liability for a person who renders emergency care at the scene of an emergency or who participates in transporting an injured person from the scene, without compensation or the expectation of compensation. The law excludes persons

who render such care during the course of regular employment and receiving compensation or expecting to receive compensation for rendering such care.

**Summary of Amended Bill:**

Starting July 1, 2014, a school district employee not licensed as a nurse must file a written letter of intent at the time the employee is asked to administer medications or perform nursing services not previously recognized in law. A letter of intent is a statement of the employee's willingness to administer the new medication or nursing service filed without employer coercion. A letter of intent expires 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 a medication or a service to a student in substantial compliance with: (1) rules adopted by the Commission and the instructions of a registered nurse or 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 nurse practitioner to consult and coordinate with the student's parents and health care provider, and to 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.

School district employees not licensed as nurses who render emergency care at the scene of an emergency during an officially designated school activity or who transport an injured person for emergency medical treatment people from an emergency are not liable for civil damages resulting from any act or omission in the rendering of such care or transportation, other than acts or omissions constituting gross negligence, or willful or wanton misconduct.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended 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) Over the last 12 years, unlicensed employees have been required to get approval for every new nursing service or medication they deliver to students. The Commission tried to require unlicensed employees to administer services that some people were not comfortable administering. If the bill language is made into law and the Legislature is asked to determine whether school district employees can administer a new medical procedure to students, then the Legislature will need to discuss the procedure only, not whether or not the

unlicensed district employees are trained to administer the procedure, are liable for their actions, or any other matter. Some people do not believe this legislation reduces the need for an adequate number of school nurses.

(Opposed) None.

**Persons Testifying:** Doug Nelson, Public School Employees of Washington; and Lucinda Young, Washington Education Association.

**Persons Signed In To Testify But Not Testifying:** None.