

SENATE BILL REPORT

SB 6128

As Amended by House, 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: Early Learning & K-12 Education: 2/05/14, 2/06/14 [DP].

Passed Senate: 2/13/14, 48-0.

Passed House: 3/06/14, 95-2.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass.

Signed by Senators Litzow, Chair; Dammeier, Vice Chair; McAuliffe, Ranking Member; Rolfes, Assistant Ranking Member; Billig, Brown, Cleveland, Fain, Hill, Mullet and Rivers.

Staff: Katherine Taylor (786-7434)

Background: According to statute, the state Nursing Care Quality Assurance Commission's (Commission's) purpose is to regulate the competency and quality of professional health care providers under its jurisdiction by establishing, monitoring, and enforcing qualifications for licensing, consistent standards of practice, continuing competency mechanisms, and discipline. Rules, policies, and procedures developed by the Commission must promote the delivery of quality health care to the residents of the state of Washington.

Registered nursing practice is defined in statute as the performance of acts requiring substantial specialized knowledge, judgment, and skill based on the principles of the biological, physiological, behavioral, and sociological sciences in a number of specific areas.

Advanced registered nurse practitioners, according to law, may under their license perform for compensation nursing care, of the ill, injured, or infirm, and in the course thereof, may perform a number of other tasks.

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.

Summary of Bill: Beginning July 1, 2014, a school district employee not licensed under the Nursing Care statute who is asked to administer medications or perform nursing services not previously recognized in law must file, at the time the employee is asked to administer the medication or perform the nursing service and without coercion by the employer, submit a voluntary, written, current, and unexpired letter of intent stating the employee's willingness to administer the new medication or nursing service. It is understood that the letter of intent expires if the conditions of acceptance are substantially changed. If a school employee who is not licensed under the Nursing Care statute chooses not to file a letter, the employee is not subject to any employer reprisal or disciplinary action for refusing to file a letter.

If a school employee provides the medication or service to a student in substantial compliance with rules adopted by the Commission and the instructions of a registered nurse or advanced registered nurse practitioner issued under such rules and written policies of the school district or private school, then the employee, the employee's school district or school of employment, and the members of the governing board and chief administrator thereof are not liable in any criminal action or for civil damages in individual, marital, governmental, corporate, or other capacity as a result of providing the medication or service.

The board of directors must designate a professional person licensed under certain medical professional statutes 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 the training provided under this subsection before they are authorized to deliver the service or medication. Such training must be provided, when necessary, on an ongoing basis to ensure that the proper procedures are not forgotten because the services or medication are delivered infrequently.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony: PRO: Unfortunately, the game changed during the last interim. The Nursing Commission took up the administration of new medications. We need to protect employees. Let us fix this once and for all. We need to train these employees. The medical needs of our students increase yearly. This bill does four things that we think are critical. This bill allows an employee to volunteer. This protects employees. This gives everyone legal protection. This will improve communication with parents. This does not replace the need of a school nurse.

Persons Testifying: PRO: Doug Nelson, Public School Employees; Lucinda Young, WA Education Assn.

House Amendment(s): Adds non-nurse school employees to the list of individuals who are not liable for civil damages resulting from any act or omission in the rendering of emergency care at

the scene of an emergency, during a school activity or in transporting a person there from, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

Removes the reference to private school from the description of when school employees have limited liability protection.