
HOUSE BILL 1630

State of Washington 63rd Legislature 2013 Regular Session

By Representatives Appleton, Pollet, Santos, and Ryu

Read first time 02/01/13. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to nurse delegation in adult day services; and
2 reenacting and amending RCW 18.79.260.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 18.79.260 and 2012 c 164 s 407, 2012 c 13 s 3, and
5 2012 c 10 s 37 are each reenacted and amended to read as follows:

6 (1) A registered nurse under his or her license may perform for
7 compensation nursing care, as that term is usually understood, to
8 individuals with illnesses, injuries, or disabilities.

9 (2) A registered nurse may, at or under the general direction of a
10 licensed physician and surgeon, dentist, osteopathic physician and
11 surgeon, naturopathic physician, optometrist, podiatric physician and
12 surgeon, physician assistant, osteopathic physician assistant, advanced
13 registered nurse practitioner, or midwife acting within the scope of
14 his or her license, administer medications, treatments, tests, and
15 inoculations, whether or not the severing or penetrating of tissues is
16 involved and whether or not a degree of independent judgment and skill
17 is required. Such direction must be for acts which are within the
18 scope of registered nursing practice.

1 (3) A registered nurse may delegate tasks of nursing care to other
2 individuals where the registered nurse determines that it is in the
3 best interest of the patient.

4 (a) The delegating nurse shall:

5 (i) Determine the competency of the individual to perform the
6 tasks;

7 (ii) Evaluate the appropriateness of the delegation;

8 (iii) Supervise the actions of the person performing the delegated
9 task; and

10 (iv) Delegate only those tasks that are within the registered
11 nurse's scope of practice.

12 (b) A registered nurse, working for a home health or hospice agency
13 regulated under chapter 70.127 RCW, may delegate the application,
14 instillation, or insertion of medications to a registered or certified
15 nursing assistant under a plan of care.

16 (c) Except as authorized in (b) or (e) of this subsection, a
17 registered nurse may not delegate the administration of medications.
18 Except as authorized in (e) of this subsection, a registered nurse may
19 not delegate acts requiring substantial skill, and may not delegate
20 piercing or severing of tissues. Acts that require nursing judgment
21 shall not be delegated.

22 (d) No person may coerce a nurse into compromising patient safety
23 by requiring the nurse to delegate if the nurse determines that it is
24 inappropriate to do so. Nurses shall not be subject to any employer
25 reprisal or disciplinary action by the nursing care quality assurance
26 commission for refusing to delegate tasks or refusing to provide the
27 required training for delegation if the nurse determines delegation may
28 compromise patient safety.

29 (e) For delegation in community-based care settings or in-home care
30 settings, a registered nurse may delegate nursing care tasks only to
31 registered or certified nursing assistants or home care aides certified
32 under chapter 18.88B RCW. Simple care tasks such as blood pressure
33 monitoring, personal care service, diabetic insulin device set up,
34 verbal verification of insulin dosage for sight-impaired individuals,
35 or other tasks as defined by the nursing care quality assurance
36 commission are exempted from this requirement.

37 (i) "Community-based care settings" includes: Community
38 residential programs for people with developmental disabilities,

1 certified by the department of social and health services under chapter
2 71A.12 RCW; adult family homes licensed under chapter 70.128 RCW;
3 ~~((and))~~ assisted living facilities licensed under chapter 18.20 RCW;
4 and adult day health services administered or provided by contract by
5 the department directly or through contract with area agencies under
6 chapter 74.39A RCW. Community-based care settings do not include acute
7 care or skilled nursing facilities.

8 (ii) "In-home care settings" include an individual's place of
9 temporary or permanent residence, but does not include acute care or
10 skilled nursing facilities, and does not include community-based care
11 settings as defined in (e)(i) of this subsection.

12 (iii) Delegation of nursing care tasks in community-based care
13 settings and in-home care settings is only allowed for individuals who
14 have a stable and predictable condition. "Stable and predictable
15 condition" means a situation in which the individual's clinical and
16 behavioral status is known and does not require the frequent presence
17 and evaluation of a registered nurse.

18 (iv) The determination of the appropriateness of delegation of a
19 nursing task is at the discretion of the registered nurse. Other than
20 delegation of the administration of insulin by injection for the
21 purpose of caring for individuals with diabetes, the administration of
22 medications by injection, sterile procedures, and central line
23 maintenance may never be delegated.

24 (v) When delegating insulin injections under this section, the
25 registered nurse delegator must instruct the individual regarding
26 proper injection procedures and the use of insulin, demonstrate proper
27 injection procedures, and must supervise and evaluate the individual
28 performing the delegated task weekly during the first four weeks of
29 delegation of insulin injections. If the registered nurse delegator
30 determines that the individual is competent to perform the injection
31 properly and safely, supervision and evaluation shall occur at least
32 every ninety days thereafter.

33 (vi)(A) The registered nurse shall verify that the nursing
34 assistant or home care aide, as the case may be, has completed the
35 required core nurse delegation training required in chapter 18.88A or
36 18.88B RCW prior to authorizing delegation.

37 (B) Before commencing any specific nursing tasks authorized to be

1 delegated in this section, a home care aide must be certified pursuant
2 to chapter 18.88B RCW and must comply with RCW 18.88B.070.

3 (vii) The nurse is accountable for his or her own individual
4 actions in the delegation process. Nurses acting within the protocols
5 of their delegation authority are immune from liability for any action
6 performed in the course of their delegation duties.

7 (viii) Nursing task delegation protocols are not intended to
8 regulate the settings in which delegation may occur, but are intended
9 to ensure that nursing care services have a consistent standard of
10 practice upon which the public and the profession may rely, and to
11 safeguard the authority of the nurse to make independent professional
12 decisions regarding the delegation of a task.

13 (f) The nursing care quality assurance commission may adopt rules
14 to implement this section.

15 (4) Only a person licensed as a registered nurse may instruct
16 nurses in technical subjects pertaining to nursing.

17 (5) Only a person licensed as a registered nurse may hold herself
18 or himself out to the public or designate herself or himself as a
19 registered nurse.

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