

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1541**

63rd Legislature  
2013 Regular Session

Passed by the House April 18, 2013  
Yeas 94 Nays 0

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**Speaker of the House of Representatives**

Passed by the Senate April 15, 2013  
Yeas 48 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1541** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1541**

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AS AMENDED BY THE SENATE

Passed Legislature - 2013 Regular Session

**State of Washington                      63rd Legislature                      2013 Regular Session**

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

READ FIRST TIME 02/22/13.

1            AN ACT Relating to expanding the types of medications that a public  
2 or private school employee may administer to include nasal spray; and  
3 amending RCW 28A.210.260 and 28A.210.270.

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

5            **Sec. 1.** RCW 28A.210.260 and 2012 c 16 s 1 are each amended to read  
6 as follows:

7            Public school districts and private schools which conduct any of  
8 grades kindergarten through the twelfth grade may provide for the  
9 administration of oral medication, topical medication, eye drops,  
10 (~~(or)~~) ear drops, or nasal spray, of any nature to students who are in  
11 the custody of the school district or school at the time of  
12 administration, but are not required to do so by this section, subject  
13 to the following conditions:

14            (1) The board of directors of the public school district or the  
15 governing board of the private school or, if none, the chief  
16 administrator of the private school shall adopt policies which address  
17 the designation of employees who may administer oral medications,  
18 topical medications, eye drops, (~~(or)~~) ear drops, or nasal spray to  
19 students, the acquisition of parent requests and instructions, and the

1 acquisition of requests from licensed health professionals prescribing  
2 within the scope of their prescriptive authority and instructions  
3 regarding students who require medication for more than fifteen  
4 consecutive school days, the identification of the medication to be  
5 administered, the means of safekeeping medications with special  
6 attention given to the safeguarding of legend drugs as defined in  
7 chapter 69.41 RCW, and the means of maintaining a record of the  
8 administration of such medication;

9 (2) The board of directors shall seek advice from one or more  
10 licensed physicians or nurses in the course of developing the foregoing  
11 policies;

12 (3) The public school district or private school is in receipt of  
13 a written, current and unexpired request from a parent, or a legal  
14 guardian, or other person having legal control over the student to  
15 administer the medication to the student;

16 (4) The public school district or the private school is in receipt  
17 of (a) a written, current and unexpired request from a licensed health  
18 professional prescribing within the scope of his or her prescriptive  
19 authority for administration of the medication, as there exists a valid  
20 health reason which makes administration of such medication advisable  
21 during the hours when school is in session or the hours in which the  
22 student is under the supervision of school officials, and (b) written,  
23 current and unexpired instructions from such licensed health  
24 professional prescribing within the scope of his or her prescriptive  
25 authority regarding the administration of prescribed medication to  
26 students who require medication for more than fifteen consecutive  
27 workdays;

28 (5) The medication is administered by an employee designated by or  
29 pursuant to the policies adopted pursuant to subsection (1) of this  
30 section and in substantial compliance with the prescription of a  
31 licensed health professional prescribing within the scope of his or her  
32 prescriptive authority or the written instructions provided pursuant to  
33 subsection (4) of this section. If a school nurse is on the premises,  
34 a nasal spray that is a legend drug or a controlled substance must be  
35 administered by the school nurse. If no school nurse is on the  
36 premises, a nasal spray that is a legend drug or a controlled substance  
37 may be administered by a trained school employee or parent-designated  
38 adult who is not a school nurse. The board of directors shall allow

1 school personnel, who have received appropriate training and  
2 volunteered for such training, to administer a nasal spray that is a  
3 legend drug or a controlled substance. After a school employee who is  
4 not a school nurse administers a nasal spray that is a legend drug or  
5 a controlled substance, the employee shall summon emergency medical  
6 assistance as soon as practicable;

7 (6) The medication is first examined by the employee administering  
8 the same to determine in his or her judgment that it appears to be in  
9 the original container and to be properly labeled; and

10 (7) The board of directors shall designate a professional person  
11 licensed pursuant to chapter 18.71 RCW or chapter 18.79 RCW as it  
12 applies to registered nurses and advanced registered nurse  
13 practitioners, to delegate to, train, and supervise the designated  
14 school district personnel in proper medication procedures.

15 (8)(a) For the purposes of this section, "parent-designated adult"  
16 means a volunteer, who may be a school district employee, who receives  
17 additional training from a health care professional or expert in  
18 epileptic seizure care selected by the parents, and who provides care  
19 for the child consistent with the individual health plan.

20 (b) To be eligible to be a parent-designated adult, a school  
21 district employee not licensed under chapter 18.79 RCW must file,  
22 without coercion by the employer, a voluntary written, current, and  
23 unexpired letter of intent stating the employee's willingness to be a  
24 parent-designated adult. If a school employee who is not licensed  
25 under chapter 18.79 RCW chooses not to file a letter under this  
26 section, the employee shall not be subject to any employer reprisal or  
27 disciplinary action for refusing to file a letter.

28 (9) The board of directors shall designate a professional person  
29 licensed under chapter 18.71, 18.57, or 18.79 RCW as it applies to  
30 registered nurses and advanced registered nurse practitioners, to  
31 consult and coordinate with the student's parents and health care  
32 provider, and train and supervise the appropriate school district  
33 personnel in proper procedures for care for students with epilepsy to  
34 ensure a safe, therapeutic learning environment. Training may also be  
35 provided by an epilepsy educator who is nationally certified. Parent-  
36 designated adults who are school employees are required to receive the  
37 training provided under this subsection. Parent-designated adults who  
38 are not school employees must show evidence of comparable training.

1 The parent-designated adult must also receive additional training as  
2 established in subsection (8)(a) of this section for the additional  
3 care the parents have authorized the parent-designated adult to  
4 provide. The professional person designated under this subsection is  
5 not responsible for the supervision of the parent-designated adult for  
6 those procedures that are authorized by the parents.

7 **Sec. 2.** RCW 28A.210.270 and 2012 c 16 s 2 are each amended to read  
8 as follows:

9 (1) In the event a school employee administers oral medication,  
10 topical medication, eye drops, ~~((or))~~ ear drops, or nasal spray to a  
11 student pursuant to RCW 28A.210.260 in substantial compliance with the  
12 prescription of the student's licensed health professional prescribing  
13 within the scope of the professional's prescriptive authority or the  
14 written instructions provided pursuant to RCW 28A.210.260(4), and the  
15 other conditions set forth in RCW 28A.210.260 have been substantially  
16 complied with, then the employee, the employee's school district or  
17 school of employment, and the members of the governing board and chief  
18 administrator thereof shall not be liable in any criminal action or for  
19 civil damages in their individual or marital or governmental or  
20 corporate or other capacities as a result of the administration of the  
21 medication.

22 (2) The administration of oral medication, topical medication, eye  
23 drops, ~~((or))~~ ear drops, or nasal spray to any student pursuant to RCW  
24 28A.210.260 may be discontinued by a public school district or private  
25 school and the school district or school, its employees, its chief  
26 administrator, and members of its governing board shall not be liable  
27 in any criminal action or for civil damages in their governmental or  
28 corporate or individual or marital or other capacities as a result of  
29 the discontinuance of such administration: PROVIDED, That the chief  
30 administrator of the public school district or private school, or his  
31 or her designee, has first provided actual notice orally or in writing  
32 in advance of the date of discontinuance to a parent or legal guardian  
33 of the student or other person having legal control over the student.

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