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SENATE BILL 6128

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State of Washington

63rd Legislature

2014 Regular Session

By Senators Litzow, McAuliffe, Hobbs, Dammeier, Tom, and Mullet

Read first time 01/16/14. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to the delivery of medication and services by  
2 unlicensed school employees; adding a new section to chapter 28A.210  
3 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** Students in public schools are bringing more  
6 health conditions to school at the same time school districts are  
7 reducing nursing services. As a result, school districts are becoming  
8 more dependent upon unlicensed, minimally trained, and many times  
9 unwilling classified employees to provide these services.

10 Over the years, unlicensed employees have sought and received  
11 legislative approval for protections from employer reprisal if they  
12 refuse to deliver nursing services and liability protections if they  
13 provide nursing services that harm a student. It is clear that  
14 unlicensed employees will be expected to deliver new medications and  
15 nursing services not currently recognized in state law to students in  
16 the future.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.210  
18 RCW to read as follows:

1 (1) Beginning July 1, 2014, a school district employee not licensed  
2 under chapter 18.79 RCW who is asked to administer medications or  
3 perform nursing services not previously recognized in law shall at the  
4 time he or she is asked to administer the medication or perform the  
5 nursing service file, without coercion by the employer, a voluntary  
6 written, current, and unexpired letter of intent stating the employee's  
7 willingness to administer the new medication or nursing service. It is  
8 understood that the letter of intent will expire if the conditions of  
9 acceptance are substantially changed. If a school employee who is not  
10 licensed under chapter 18.79 RCW chooses not to file a letter under  
11 this section, the employee is not subject to any employer reprisal or  
12 disciplinary action for refusing to file a letter.

13 (2) In the event a school employee provides the medication or  
14 service to a student in substantial compliance with (a) rules adopted  
15 by the state nursing care quality assurance commission and the  
16 instructions of a registered nurse or advanced registered nurse  
17 practitioner issued under such rules, and (b) written policies of the  
18 school district or private school, then the employee, the employee's  
19 school district or school of employment, and the members of the  
20 governing board and chief administrator thereof are not liable in any  
21 criminal action or for civil damages in his or her individual, marital,  
22 governmental, corporate, or other capacity as a result of providing the  
23 medication or service.

24 (3) The board of directors shall designate a professional person  
25 licensed under chapter 18.71, 18.57, or 18.79 RCW as it applies to  
26 registered nurses and advanced registered nurse practitioners to  
27 consult and coordinate with the student's parents and health care  
28 provider, and train and supervise the appropriate school district  
29 personnel in proper procedures to ensure a safe, therapeutic learning  
30 environment. School employees must receive the training provided under  
31 this subsection before they are authorized to deliver the service or  
32 medication. Such training must be provided, where necessary, on an  
33 ongoing basis to ensure that the proper procedures are not forgotten  
34 because the services or medication are delivered infrequently.

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