

HOUSE BILL REPORT

SHB 1790

As Passed House:
February 3, 2016

Title: An act relating to clarifying the authority of a nurse working in a school setting.

Brief Description: Clarifying the authority of a nurse working in a school setting.

Sponsors: House Committee on Education (originally sponsored by Representatives Springer, Muri, Ortiz-Self and Reykdal).

Brief History:

Committee Activity:

Education: 2/10/15, 2/17/15 [DPS], 1/19/16, 1/21/16 [DP].

Floor Activity:

Passed House: 3/10/15, 80-17.

Floor Activity:

Passed House: 2/3/16, 83-14.

Brief Summary of Substitute Bill

- Provides that only a registered nurse or advanced registered nurse practitioner may supervise, direct, or evaluate a licensed nurse working in a school setting with respect to the practice of nursing.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass. Signed by 18 members: Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist, Caldier, Griffey, Hargrove, Harris, Hayes, Kilduff, Kuderer, Orwall, Pollet, Rossetti and Springer.

Minority Report: Do not pass. Signed by 2 members: Representatives Klippert and McCaslin.

Staff: Megan Wargacki (786-7194).

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.

Background:

Students attend school with a broad range of health conditions. These range from potentially life-threatening acute and chronic conditions to correctable vision problems. Before a child is allowed to attend public school, the school must receive a medication or treatment order addressing any life threatening health condition the child has that may require medical services, including nursing services, to be performed at the school.

The scope of practice and training for nursing is regulated through a tiered licensure system, with licensed practical nurses having the least amount of training and advanced registered nurse practitioners (ARNP) having the most training. The National Association of School Nurses (NASN) recommends that, at a minimum, a school nurse should be licensed as a registered nurse (RN).

In addition, NASN recommends that a school nurse be clinically supervised and evaluated by an RN knowledgeable about the scope and standards of practice for school nursing. Many of the duties of a school nurse must be carried out by an RN or ARNP, such as:

- consulting and coordinating with students' parents and health care providers;
- preparing student health care plans;
- performing health assessments, and health evaluations for special education students;
- training and supervising the appropriate school district personnel in proper procedures to ensure a safe, therapeutic learning environment; and
- health teaching.

In a first class school district (2,000 or more enrolled students), a school nurse must hold an Education Staff Associate certificate. The knowledge and skills acquired through the certification process are over and above the knowledge and skills required for licensure as an RN.

Summary of Substitute Bill:

Only an RN or an ARNP may supervise, direct, or evaluate a licensed nurse working in a school setting with respect to the practice of nursing.

This does not:

- prohibit a non-nurse supervisor from supervising, directing, or evaluating with respect to other matters;
- require an RN or ARNP to be clinically supervised; or
- prohibit a non-nurse supervisor from conferring with the nurse regarding the practice of nursing.

The practice of nursing is defined as RN practice, advanced RN practice, and licensed practical nursing, including the administration of medication pursuant to a medication or treatment order and the decision to summon emergency medical assistance. Such practice also encompasses compliance with any state or federal statute, or administrative rule specifically regulating licensed nurses, including any statute or rule defining or establishing standards of patient care, professional conduct, or practice.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill has been introduced for the past five to seven years. It has passed out of the House of Representatives, as well. This bill recognizes that individuals with a variety of skill levels are providing services to students. This bill does not change the fact that when the nurse is not practicing nursing that there should be an administrator overseeing the nurse, such as if the nurse is teaching health science class.

It is difficult for a remote district to have someone to supervise a school nurse with respect to the practice of nursing. In small districts, school nurses are not overseen by a nursing supervisor, however, they are still regulated by the nursing commission.

There is a chasm between proper nursing practice and the danger to student health, welfare and safety created when unlicensed nursing supervisors exceed the limits of their legal authority. Sometimes school nurses are directed to take action they believe is inconsistent with professional nursing standards. These nurses can file a professional conduct complaint, which goes to the superintendent of the Educational Service District. In some cases, the superintendent forwards the complaint to the Assistant Attorney General (AAG). The AAG may review the allegations in order to determine whether the conduct, if proven, would be governed under the Professional Conduct Code. Sometimes the AAG concludes that the alleged conduct, if true, would be a basis for discipline under the law. In these cases, the superintendent can investigate the merits of the allegation. However, in some instances no investigation is possible because the unlicensed nursing supervisor is no longer employed. This is an ongoing problem.

(Opposed) None.

(Other) There should be more nurses in schools to support students. The only issue this bill deals with is who evaluates the nurse for their clinical skills. In large districts, there will be nursing supervisors, but in small districts, there will not be a supervisor available to evaluate clinical skills.

Persons Testifying: (In support) Representative Springer, prime sponsor; and Theresa Hutchinson and Mary Clogston, School Nurses Organization of Washington.

(Other) Jerry Bender, Association of Washington School Principals.

Persons Signed In To Testify But Not Testifying: None.