

SENATE BILL REPORT

SHB 1790

As Reported by Senate Committee On:
Early Learning & K-12 Education, February 25, 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: Passed House: 3/10/15, 80-17; 2/03/16, 83-14.

Committee Activity: Early Learning & K-12 Education: 3/24/15, 2/18/16, 2/25/16 [DP, DNP].

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass.

Signed by Senators Litzow, Chair; McAuliffe, Ranking Member; Billig, Fain, Hill, Mullet, Rivers and Rolfes.

Minority Report: Do not pass.

Signed by Senator Dammeier, Vice Chair.

Staff: Ailey Kato (786-7434)

Background: In Washington registered nurses, advanced registered nurses, and licensed practical nurses must be licensed in order to practice or to offer to practice. This requirement applies in a school setting.

Current law defines registered nursing practice as the performance of acts requiring substantial specialized knowledge, judgment, and skill based on the principles of certain sciences in one of the following:

- the observation, assessment, diagnosis, care or counsel, and health teaching of certain individuals;
- the performance of such additional acts requiring education and training and that are recognized by certain entities;
- the administration, supervision, delegation, and evaluation of nursing practice;
- the teaching of nursing; or

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.

- the executing of medical regimen as prescribed by certain professionals.

Advanced registered nursing practice means the performance of the acts of a registered nurse and the performance of an expanded role in providing health care services as recognized by certain entities. An advanced registered nurse practitioner may prescribe legend drugs and controlled substances.

Licensed practical nursing practice means the performance of services requiring the knowledge, skill, and judgment necessary for carrying out selected aspects of the designated nursing regimen under the direction and supervision of certain professionals.

Under current law, the board of directors of any school district of the second class may employ a regularly licensed physician or a licensed public health nurse for the purpose of protecting the health of the children in the district.

Summary of Bill: School administrators may not interfere with nursing care provided by a registered nurse or an advanced registered nurse practitioner working in a school setting, but may supervise in all other aspects of employment.

Only a licensed 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.

Within existing funds, the Superintendent of Public Instruction must notify each school district in this state of this requirement.

The practice of nursing means registered nursing practice, advanced registered nursing practice, and licensed practical nursing practice as defined in current law, including but not limited to the following:

- the administration of medication pursuant to a medication or treatment order; and
- the decision to summon emergency medical assistance.

The practice of nursing also means 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 or professional conduct or practice.

Nothing in this act:

- prohibits a nonnurse supervisor from supervising, directing, or evaluating a licensed nurse working in a school setting with respect to matters other than the practice of nursing;
- requires a registered nurse or an advanced registered nurse practitioner to be clinically supervised in a school setting; or
- prohibits a nonnurse supervisor from conferring with a licensed nurse working in a school setting with respect to the practice of nursing.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: Testimony From 2015 Regular Session. PRO: When engaging in the practice of nursing, school nurses should be supervised by a medically trained person. In other respects, school nurses should be supervised by a principal. A school nurse must be able to make a nurse's own decisions when engaging in the practice of nursing. Non-nurse supervisors or colleagues should not be able to disagree or challenge a nurse when the nurse exercises professional judgment. School nurses need space and autonomy, so they can safely deliver healthcare to students.

Testimony From 2016 Regular Session. PRO: This bill addresses a jurisdictional issue between school administrators and nurses. The academic leader should supervise academic decisions, and medical decisions should be made by nurses. A supervisory nurse should supervise nurses. This bill does not require any nursing supervisors to be hired. The number of medical decisions that nurses have to make has increased and can include treating a child, administering medication, calling an aid car, and involving parents. This bill would avoid anticipated problems and conflict between school administrators and nurses. School administrators may not be familiar with the laws regarding the practice of nursing. This bill would help make school administrators aware of these laws. This bill allows school administrators to supervise nurses in matters other than the practice of nursing. School nurses are accountable and responsible for the quality of nursing care.

OTHER: There is a question about who supervises the school nurses and keeps them accountable. Some school nurses would not have a supervisor and would not be evaluated on their technical skills. It is fair for a school administrator to push back on some decisions.

Persons Testifying: Persons Testifying From 2015 Regular Session. PRO: Representative Springer, Prime Sponsor; Sofia Aragon, Theresa Hutchison, Celeste Dillard, School Nurse Organization of WA.

Persons Testifying From 2016 Regular Session. PRO: Representative Springer, Prime Sponsor; Paula Meyer, Nursing Care Quality Assurance Commission; Mary Clogston, School Nurse Organization for Washington; Theresa Hutchison, RN, School Nurses Organization for Washington; Dee Turner, RN, School Nurses Organization for Washington.

OTHER: Jerry Bender, Association of Washington School Principals.

Persons Signed in to Testify But Not Testifying: No one.