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SENATE BILL 5765

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State of Washington

64th Legislature

2015 Regular Session

By Senators Jayapal, Angel, and McAuliffe

Read first time 02/02/15. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to clarifying the authority of a nurse working in  
2 a school setting; adding a new section to chapter 28A.210 RCW; and  
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

6 (a) Nursing is governed by specific laws and regulations and  
7 requires a unique license to practice. Clinical supervision of a  
8 nurse is based on knowledge of the laws, regulations, and rules  
9 governing nursing practice, nursing practice standards, and nursing  
10 performance standards;

11 (b) Student health needs have changed dramatically over the last  
12 twenty years. The number of students with special health care needs  
13 has risen exponentially;

14 (c) School nurses are held accountable through chapter 18.79 RCW  
15 and the uniform disciplinary act, chapter 18.130 RCW, for errors in  
16 nursing judgment and actions;

17 (d) Individuals who are not nurses are unqualified to make  
18 nursing judgments and assessments;

19 (e) The independent nature of nursing has been recognized in both  
20 statute and rule. For example, under RCW 18.79.040, "registered  
21 nursing practice" includes the "administration, supervision,

1 delegation, and evaluation of nursing practice." Furthermore,  
2 continuing competency rules recently adopted by the nursing care  
3 quality assurance commission recognize and acknowledge the  
4 independent nature of nursing; and

5 (f) The ability of a nurse to practice nursing without the  
6 supervision of a nonnurse supervisor is particularly important given  
7 the primacy of the nurse-patient relationship.

8 (2) It is therefore the intent of the legislature to reaffirm the  
9 authority of a licensed nurse working in a school setting to practice  
10 nursing without the supervision of a person who is not a licensed  
11 nurse.

12 (3) It is not the intent of the legislature to:

13 (a) Prohibit a nonnurse from supervising a licensed nurse working  
14 in a school setting with respect to matters other than the practice  
15 of nursing, such as matters of administration, terms and conditions  
16 of employment, and employee performance; or

17 (b) Require a school to provide clinical supervision for a  
18 licensed nurse working in a school setting.

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

21 (1) Only a registered nurse or an advanced registered nurse  
22 practitioner licensed under chapter 18.79 RCW may supervise, direct,  
23 or evaluate a licensed nurse working in a school setting with respect  
24 to the practice of nursing as defined in this section.

25 (2) Nothing in this section:

26 (a) Prohibits a nonnurse supervisor from supervising, directing,  
27 or evaluating a licensed nurse working in a school setting with  
28 respect to matters other than the practice of nursing;

29 (b) Requires a registered nurse or an advanced registered nurse  
30 practitioner to be clinically supervised in a school setting; or

31 (c) Prohibits a nonnurse supervisor from conferring with a  
32 licensed nurse working in a school setting with respect to the  
33 practice of nursing.

34 (3) Within existing funds, the superintendent of public  
35 instruction shall notify each school district in this state of the  
36 requirements of this section.

37 (4) For purposes of this section, "practice of nursing" means:

38 (a) Registered nursing practice as defined in RCW 18.79.040,  
39 advanced registered nursing practice as defined in RCW 18.79.050, and

1 licensed practical nursing practice as defined in RCW 18.79.060,  
2 including, but not limited to:

3 (i) The administration of medication pursuant to a medication or  
4 treatment order; and

5 (ii) The decision to summon emergency medical assistance; and

6 (b) Compliance with any state or federal statute or  
7 administrative rule specifically regulating licensed nurses,  
8 including any statute or rule defining or establishing standards of  
9 patient care or professional conduct or practice.

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