

HOUSE BILL REPORT

SB 5325

As Reported by House Committee On:
Education

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: Senators Zeiger and Conway.

Brief History:

Committee Activity:

Education: 3/20/17, 3/28/17 [DPA].

Brief Summary of Bill
(As Amended by Committee)

- Specifies that a registered nurse (RN) or an advanced registered nurse practitioner (ARNP) working in a school setting is authorized and responsible for the nursing care of students to the extent that the care is within the practice of nursing.
- Provides that a school administrator may supervise an RN or an ARNP in aspects of employment other than the practice of nursing.
- Provides that 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.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass as amended. Signed by 19 members: Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist, Caldier, Hargrove, Johnson, Kilduff, Lovick, McCaslin, Ortiz-Self, Senn, Slatter, Springer, Steele, Stokesbary and Volz.

Staff: Megan Wargacki (786-7194).

Background:

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.

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, the 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 an 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 Amended Bill:

An RN or an ARNP working in a school setting is authorized and responsible for the nursing care of students to the extent that the care is within the practice of nursing. A school administrator may supervise an RN or an ARNP in aspects of employment other than the practice of nursing. 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 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;
- require a RN or an ARNP to be clinically supervised in a school setting; or
- prohibit a nonnurse supervisor from conferring with a licensed nurse working in a school setting with respect to the practice of nursing.

The Superintendent of Public Instruction must notify each school district of these requirements, within existing funds.

The "practice of nursing" means registered nursing practice, advanced registered nursing practice, and licensed practical nursing practice as defined in the nursing care statute. Such practice includes the administration of medication pursuant to a medication or treatment order and the decision to summon emergency medical assistance. It also requires 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.

Amended Bill Compared to Original Bill:

Language stating that school administrators may not interfere with nursing care provided by an RN or an ARNP working in a school setting is replaced with language providing that an RN or an ARNP working in a school setting is authorized and responsible for the nursing care of students to the extent that the care is within the practice of nursing.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: 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 clarifies the role of school nurses. Licensed nurses are under the supervision of an RN or an ARNP with respect to the practice of nursing, but can be supervised by a school principal in all other matters. School nurses support the bill. The school nurse association is supportive of changing the language in the Senate bill to mirror that of the House companion bill to address the school principal's concerns. The nursing commission supports the bill. The bill distinguishes between the nurse's responsibility as an employee and as a nurse. A school nurse's responsibility cannot be avoided by accepting the responsibility of another person.

A nurse administered epinephrine to a student who was showing signs of life-threatening allergic reaction and had just eaten a food containing walnuts. The administrator told the nurse that she should not have administered the epinephrine because the student's health care plan stated that the student was only allergic to peanuts. The administrator wanted the nurse to sign a statement that she was wrong and would not do it again. The nurse refused because her professional practice required her to assess patients, make a nursing judgement, and render care. The nurse suggested that the administrator consult the nursing commission. The situation ended with the administrator agreeing that the nurse acted appropriately.

A nurse was asked to administer a double dose of medication to a student who had a diagnosis of attention deficit hyperactivity disorder to make the student more manageable. The nurse refused and clearly told the administrator that he had to follow the order of the doctor. Sometimes nurses file complaints against unlicensed supervisors who

make consistent efforts to override the nurse's professional judgment and prevent the nurses from being able to safely and carefully carry out the nursing role.

(Opposed) None.

Persons Testifying: Senator Zeiger, prime sponsor; Melissa Johnson, School Nurse Organization of Washington, and Washington State Nurses Association; Theresa Hutchison; and Catherine Woodard, Nursing Care Quality Assurance Commission.

Persons Signed In To Testify But Not Testifying: None.