

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1085

67th Legislature
2021 Regular Session

Passed by the House February 25, 2021
Yeas 98 Nays 0

**Speaker of the House of
Representatives**

Passed by the Senate April 3, 2021
Yeas 46 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1085** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1085

Passed Legislature - 2021 Regular Session

State of Washington

67th Legislature

2021 Regular Session

By House Education (originally sponsored by Representatives Kloba, Vick, Volz, Leavitt, Ramel, Hoff, Graham, Chopp, Lovick, Stokesbary, and Pollet)

READ FIRST TIME 02/15/21.

1 AN ACT Relating to promoting a safe learning environment for
2 students with seizure disorders; amending RCW 28A.210.260 and
3 28A.210.350; adding a new section to chapter 28A.210 RCW; and adding
4 a new section to chapter 28A.235 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.210
7 RCW to read as follows:

8 (1) School districts shall provide individual health plans for
9 students with epilepsy or other seizure disorders, subject to the
10 following conditions:

11 (a) The board of directors of the school district shall adopt and
12 periodically revise policies to be followed for students with
13 epilepsy or other seizure disorders. The policies must cover, but
14 need not be limited to, the following subjects:

15 (i) The acquisition of parent requests and instructions;

16 (ii) The acquisition of orders from licensed health professionals
17 prescribing within the scope of their prescriptive authority for
18 monitoring and treatment of seizure disorders at school;

19 (iii) The provision for storage of medical equipment and
20 medication provided by the parent;

1 (iv) The establishment of school policy exceptions necessary to
2 accommodate the students' needs related to epilepsy or other seizure
3 disorders as described in the individual health plan;

4 (v) The development of individual emergency plans;

5 (vi) The distribution of the individual health plan to
6 appropriate staff based on the students' needs and staff level of
7 contact with the student;

8 (vii) The possession of legal documents for parent-designated
9 adults to provide care, if needed; and

10 (viii) The updating of the individual health plan at least
11 annually; and

12 (b) The board of directors, in the course of developing the
13 policies in (a) of this subsection, shall consult with one or more
14 licensed physicians or nurses, or appropriate personnel from a
15 national epilepsy organization that offers seizure training and
16 education for school nurses and other school personnel.

17 (2) (a) The board of directors shall designate a professional
18 person licensed under chapter 18.71, 18.57, or 18.79 RCW as it
19 applies to registered nurses and advanced registered nurse
20 practitioners, to consult and coordinate with the student's parents
21 and health care provider, and train and supervise the appropriate
22 school district personnel in proper procedures for care for students
23 with epilepsy or other seizure disorders to ensure a safe,
24 therapeutic learning environment. Training required under this
25 subsection (2) (a) may also be provided by a national organization
26 that offers training for school nurses for managing students with
27 seizures and seizure training for school personnel.

28 (b) (i) Parent-designated adults who are school district employees
29 must receive training in accordance with (a) of this subsection (2).

30 (ii) Parent-designated adults who are not school district
31 employees must show evidence of training in proper procedures for
32 care of students with epilepsy or other seizure disorders. Training
33 required under this subsection (2) (b) (ii) may be provided by a
34 national organization that offers training for school nurses for
35 managing students with seizures and seizure training for school
36 personnel.

37 (iii) The professional person designated under (a) of this
38 subsection (2) is not responsible for the supervision of the parent-
39 designated adult for procedures authorized by the parents.

1 (3) (a) To be eligible to be a parent-designated adult, a school
2 district employee not licensed under chapter 18.79 RCW shall file,
3 without coercion by the employer, a voluntary written, current, and
4 unexpired letter of intent stating the employee's willingness to be a
5 parent-designated adult. If a school district employee who is not
6 licensed under chapter 18.79 RCW chooses not to file a letter under
7 this section, the employee may not be subject to any employer
8 reprisal or disciplinary action for refusing to file a letter.

9 (b) (i) For the purposes of this section, "parent-designated
10 adult" means a parent-designated adult who: (A) Volunteers for the
11 designation; (B) receives additional training from a health care
12 professional or expert in care for epilepsy or other seizure
13 disorders selected by the parents; and (C) provides care for the
14 child consistent with the individual health plan.

15 (ii) A parent-designated adult may be a school district employee.

16 (4) Nothing in this section is intended to supersede or otherwise
17 modify nurse delegation requirements established in RCW 18.79.260.

18 (5) This section applies beginning with the 2022-23 school year.

19 **Sec. 2.** RCW 28A.210.260 and 2019 c 314 s 41 are each amended to
20 read as follows:

21 (1) Public school districts and private schools which conduct any
22 of grades kindergarten through the twelfth grade may provide for the
23 administration of oral medication, topical medication, eye drops, ear
24 drops, or nasal spray, of any nature to students who are in the
25 custody of the school district or school at the time of
26 administration, but are not required to do so by this section,
27 subject to the following conditions:

28 (a) The board of directors of the public school district or the
29 governing board of the private school or, if none, the chief
30 administrator of the private school shall adopt policies which
31 address the designation of employees who may administer oral
32 medications, topical medications, eye drops, ear drops, or nasal
33 spray to students, the acquisition of parent requests and
34 instructions, and the acquisition of requests from licensed health
35 professionals prescribing within the scope of their prescriptive
36 authority and instructions regarding students who require medication
37 for more than fifteen consecutive school days, the identification of
38 the medication to be administered, the means of safekeeping
39 medications with special attention given to the safeguarding of

1 legend drugs as defined in chapter 69.41 RCW, and the means of
2 maintaining a record of the administration of such medication.
3 Policies adopted in accordance with this subsection (1) may not
4 permit a school nurse to delegate the responsibility to administer
5 student medications to a parent-designated adult who is not a school
6 employee;

7 (b) The board of directors shall seek advice from one or more
8 licensed physicians or nurses in the course of developing the
9 foregoing policies;

10 (c) The public school district or private school is in receipt of
11 a written, current and unexpired request from a parent, or a legal
12 guardian, or other person having legal control over the student to
13 administer the medication to the student;

14 (d) The public school district or the private school is in
15 receipt of: (i) A written, current and unexpired request from a
16 licensed health professional prescribing within the scope of his or
17 her prescriptive authority for administration of the medication, as
18 there exists a valid health reason which makes administration of such
19 medication advisable during the hours when school is in session or
20 the hours in which the student is under the supervision of school
21 officials; and (ii) written, current and unexpired instructions from
22 such licensed health professional prescribing within the scope of his
23 or her prescriptive authority regarding the administration of
24 prescribed medication to students who require medication for more
25 than fifteen consecutive workdays;

26 (e) The medication is administered by an employee designated by
27 or pursuant to the policies adopted pursuant to (a) of this
28 subsection and in substantial compliance with the prescription of a
29 licensed health professional prescribing within the scope of his or
30 her prescriptive authority or the written instructions provided
31 pursuant to (d) of this subsection(~~(. If a school nurse is on the~~
32 ~~premises, a nasal spray that is a legend drug or a controlled~~
33 ~~substance must be administered by the school nurse. If no school~~
34 ~~nurse is on the premises, a nasal spray that is a legend drug or a~~
35 ~~controlled substance may be administered by a trained school employee~~
36 ~~or parent-designated adult who is not a school nurse. The board of~~
37 ~~directors shall allow school personnel, who have received appropriate~~
38 ~~training and volunteered for such training, to administer a nasal~~
39 ~~spray that is a legend drug or a controlled substance. After a school~~
40 ~~employee who is not a school nurse administers a nasal spray that is~~

1 ~~a legend drug or a controlled substance, the employee shall summon~~
2 ~~emergency medical assistance as soon as practicable));~~

3 (f) The medication is first examined by the employee
4 administering the same to determine in his or her judgment that it
5 appears to be in the original container and to be properly labeled;
6 ((and))

7 (g) The board of directors shall designate a professional person
8 licensed pursuant to chapter 18.71 ((RCW)) or ((chapter)) 18.79 RCW
9 as it applies to registered nurses and advanced registered nurse
10 practitioners, to delegate to, train, and supervise the designated
11 school district personnel in proper medication procedures; and

12 (h) To be eligible to be a parent-designated adult, a school
13 district employee not licensed under chapter 18.79 RCW must file,
14 without coercion by the employer, a voluntary written, current, and
15 unexpired letter of intent stating the employee's willingness to be a
16 parent-designated adult. If a school district employee who is not
17 licensed under chapter 18.79 RCW chooses not to file a letter under
18 this section, the employee ((shall)) may not be subject to any
19 employer reprisal or disciplinary action for refusing to file a
20 letter. A parent-designated adult must be a volunteer, who may be a
21 school district employee(~~, who receives additional training from a~~
22 ~~health care professional or expert in epileptic seizure care selected~~
23 ~~by the parents, and who provides care for the child consistent with~~
24 ~~the individual health plan; and~~

25 ~~(i) The board of directors shall designate a professional person~~
26 ~~licensed under chapter 18.71, 18.57, or 18.79 RCW as it applies to~~
27 ~~registered nurses and advanced registered nurse practitioners, to~~
28 ~~consult and coordinate with the student's parents and health care~~
29 ~~provider, and train and supervise the appropriate school district~~
30 ~~personnel in proper procedures for care for students with epilepsy to~~
31 ~~ensure a safe, therapeutic learning environment. Training may also be~~
32 ~~provided by an epilepsy educator who is nationally certified. Parent-~~
33 ~~designated adults who are school employees are required to receive~~
34 ~~the training provided under this subsection. Parent-designated adults~~
35 ~~who are not school employees must show evidence of comparable~~
36 ~~training. The parent-designated adult must also receive additional~~
37 ~~training as established in (h) of this subsection for the additional~~
38 ~~care the parents have authorized the parent-designated adult to~~
39 ~~provide)). The professional person designated under this subsection~~

1 is not responsible for the supervision of the parent-designated adult
2 for those procedures that are authorized by the parents.

3 (2) This section does not apply to:

4 (a) Topical sunscreen products regulated by the United States
5 food and drug administration for over-the-counter use. Provisions
6 related to possession and application of topical sunscreen products
7 are in RCW 28A.210.278; and

8 (b) Opioid overdose reversal medication. Provisions related to
9 maintenance and administration of opioid overdose reversal medication
10 are in RCW 28A.210.390.

11 **Sec. 3.** RCW 28A.210.350 and 2002 c 350 s 4 are each amended to
12 read as follows:

13 A school district, school district employee, agent, or parent-
14 designated adult who, acting in good faith and in substantial
15 compliance with the student's individual health plan and the
16 instructions of the student's licensed health care professional,
17 provides assistance or services under RCW 28A.210.330 or section 1 of
18 this act shall not be liable in any criminal action or for civil
19 damages in his or her individual or marital or governmental or
20 corporate or other capacities as a result of the services provided
21 under RCW 28A.210.330 to students with diabetes or under section 1 of
22 this act to students with epilepsy or other seizure disorders.

23 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.235
24 RCW to read as follows:

25 By December 15, 2021, the Washington state school directors'
26 association, in consultation with the office of the superintendent of
27 public instruction, shall adopt a model policy and procedure that
28 school districts may use to implement the requirements of section 1
29 of this act. The model policy and procedure must be periodically
30 reviewed by the Washington state school directors' association and
31 may be revised as necessary.

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