

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1124

67th Legislature
2022 Regular Session

Passed by the House January 12, 2022
Yeas 94 Nays 1

**Speaker of the House of
Representatives**

Passed by the Senate March 2, 2022
Yeas 47 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 1124** 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 1124

Passed Legislature - 2022 Regular Session

State of Washington 67th Legislature 2021 Regular Session

By House Health Care & Wellness (originally sponsored by Representative Cody)

READ FIRST TIME 01/28/21.

1 AN ACT Relating to nurse delegation of glucose monitoring,
2 glucose testing, and insulin injections; amending RCW 18.79.260;
3 reenacting and amending RCW 18.79.260; providing an effective date;
4 and providing an expiration date.

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

6 **Sec. 1.** RCW 18.79.260 and 2012 c 164 s 407, 2012 c 13 s 3, and
7 2012 c 10 s 37 are each reenacted and amended to read as follows:

8 (1) A registered nurse under his or her license may perform for
9 compensation nursing care, as that term is usually understood, to
10 individuals with illnesses, injuries, or disabilities.

11 (2) A registered nurse may, at or under the general direction of
12 a licensed physician and surgeon, dentist, osteopathic physician and
13 surgeon, naturopathic physician, optometrist, podiatric physician and
14 surgeon, physician assistant, osteopathic physician assistant,
15 advanced registered nurse practitioner, or midwife acting within the
16 scope of his or her license, administer medications, treatments,
17 tests, and inoculations, whether or not the severing or penetrating
18 of tissues is involved and whether or not a degree of independent
19 judgment and skill is required. Such direction must be for acts which
20 are within the scope of registered nursing practice.

1 (3) A registered nurse may delegate tasks of nursing care to
2 other individuals where the registered nurse determines that it is in
3 the best interest of the patient.

4 (a) The delegating nurse shall:

5 (i) Determine the competency of the individual to perform the
6 tasks;

7 (ii) Evaluate the appropriateness of the delegation;

8 (iii) Supervise the actions of the person performing the
9 delegated task; and

10 (iv) Delegate only those tasks that are within the registered
11 nurse's scope of practice.

12 (b) A registered nurse, working for a home health or hospice
13 agency regulated under chapter 70.127 RCW, may delegate the
14 application, instillation, or insertion of medications to a
15 registered or certified nursing assistant under a plan of care.

16 (c) Except as authorized in (b) or (e) of this subsection, a
17 registered nurse may not delegate the administration of medications.
18 Except as authorized in (e) or (f) of this subsection, a registered
19 nurse may not delegate acts requiring substantial skill, and may not
20 delegate piercing or severing of tissues. Acts that require nursing
21 judgment shall not be delegated.

22 (d) No person may coerce a nurse into compromising patient safety
23 by requiring the nurse to delegate if the nurse determines that it is
24 inappropriate to do so. Nurses shall not be subject to any employer
25 reprisal or disciplinary action by the nursing care quality assurance
26 commission for refusing to delegate tasks or refusing to provide the
27 required training for delegation if the nurse determines delegation
28 may compromise patient safety.

29 (e) For delegation in community-based care settings or in-home
30 care settings, a registered nurse may delegate nursing care tasks
31 only to registered or certified nursing assistants under chapter
32 18.88A RCW or home care aides certified under chapter 18.88B RCW.
33 Simple care tasks such as blood pressure monitoring, personal care
34 service, diabetic insulin device set up, verbal verification of
35 insulin dosage for sight-impaired individuals, or other tasks as
36 defined by the nursing care quality assurance commission are exempted
37 from this requirement.

38 (i) "Community-based care settings" includes: Community
39 residential programs for people with developmental disabilities,
40 certified by the department of social and health services under

1 chapter 71A.12 RCW; adult family homes licensed under chapter 70.128
2 RCW; and assisted living facilities licensed under chapter 18.20 RCW.
3 Community-based care settings do not include acute care or skilled
4 nursing facilities.

5 (ii) "In-home care settings" include an individual's place of
6 temporary or permanent residence, but does not include acute care or
7 skilled nursing facilities, and does not include community-based care
8 settings as defined in (e)(i) of this subsection.

9 (iii) Delegation of nursing care tasks in community-based care
10 settings and in-home care settings is only allowed for individuals
11 who have a stable and predictable condition. "Stable and predictable
12 condition" means a situation in which the individual's clinical and
13 behavioral status is known and does not require the frequent presence
14 and evaluation of a registered nurse.

15 (iv) The determination of the appropriateness of delegation of a
16 nursing task is at the discretion of the registered nurse. Other than
17 delegation of the administration of insulin by injection for the
18 purpose of caring for individuals with diabetes, the administration
19 of medications by injection, sterile procedures, and central line
20 maintenance may never be delegated.

21 (v) When delegating insulin injections under this section, the
22 registered nurse delegator must instruct the individual regarding
23 proper injection procedures and the use of insulin, demonstrate
24 proper injection procedures, and must supervise and evaluate the
25 individual performing the delegated task (~~weekly during the first~~
26 ~~four weeks of delegation of insulin injections~~) as required by the
27 commission by rule. If the registered nurse delegator determines that
28 the individual is competent to perform the injection properly and
29 safely, supervision and evaluation shall occur at (~~least every~~
30 ~~ninety days thereafter~~) an interval determined by the commission by
31 rule.

32 (vi)(A) The registered nurse shall verify that the nursing
33 assistant or home care aide, as the case may be, has completed the
34 required core nurse delegation training required in chapter 18.88A or
35 18.88B RCW prior to authorizing delegation.

36 (B) Before commencing any specific nursing tasks authorized to be
37 delegated in this section, a home care aide must be certified
38 pursuant to chapter 18.88B RCW and must comply with RCW 18.88B.070.

39 (vii) The nurse is accountable for his or her own individual
40 actions in the delegation process. Nurses acting within the protocols

1 of their delegation authority are immune from liability for any
2 action performed in the course of their delegation duties.

3 (viii) Nursing task delegation protocols are not intended to
4 regulate the settings in which delegation may occur, but are intended
5 to ensure that nursing care services have a consistent standard of
6 practice upon which the public and the profession may rely, and to
7 safeguard the authority of the nurse to make independent professional
8 decisions regarding the delegation of a task.

9 (f) The delegation of nursing care tasks only to registered or
10 certified nursing assistants under chapter 18.88A RCW or to home care
11 aides certified under chapter 18.88B RCW may include glucose
12 monitoring and testing.

13 (g) The nursing care quality assurance commission may adopt rules
14 to implement this section.

15 (4) Only a person licensed as a registered nurse may instruct
16 nurses in technical subjects pertaining to nursing.

17 (5) Only a person licensed as a registered nurse may hold herself
18 or himself out to the public or designate herself or himself as a
19 registered nurse.

20 **Sec. 2.** RCW 18.79.260 and 2020 c 80 s 18 are each amended to
21 read as follows:

22 (1) A registered nurse under his or her license may perform for
23 compensation nursing care, as that term is usually understood, to
24 individuals with illnesses, injuries, or disabilities.

25 (2) A registered nurse may, at or under the general direction of
26 a licensed physician and surgeon, dentist, osteopathic physician and
27 surgeon, naturopathic physician, optometrist, podiatric physician and
28 surgeon, physician assistant, advanced registered nurse practitioner,
29 or midwife acting within the scope of his or her license, administer
30 medications, treatments, tests, and inoculations, whether or not the
31 severing or penetrating of tissues is involved and whether or not a
32 degree of independent judgment and skill is required. Such direction
33 must be for acts which are within the scope of registered nursing
34 practice.

35 (3) A registered nurse may delegate tasks of nursing care to
36 other individuals where the registered nurse determines that it is in
37 the best interest of the patient.

38 (a) The delegating nurse shall:

1 (i) Determine the competency of the individual to perform the
2 tasks;

3 (ii) Evaluate the appropriateness of the delegation;

4 (iii) Supervise the actions of the person performing the
5 delegated task; and

6 (iv) Delegate only those tasks that are within the registered
7 nurse's scope of practice.

8 (b) A registered nurse, working for a home health or hospice
9 agency regulated under chapter 70.127 RCW, may delegate the
10 application, instillation, or insertion of medications to a
11 registered or certified nursing assistant under a plan of care.

12 (c) Except as authorized in (b) or (e) of this subsection, a
13 registered nurse may not delegate the administration of medications.
14 Except as authorized in (e) or (f) of this subsection, a registered
15 nurse may not delegate acts requiring substantial skill, and may not
16 delegate piercing or severing of tissues. Acts that require nursing
17 judgment shall not be delegated.

18 (d) No person may coerce a nurse into compromising patient safety
19 by requiring the nurse to delegate if the nurse determines that it is
20 inappropriate to do so. Nurses shall not be subject to any employer
21 reprisal or disciplinary action by the nursing care quality assurance
22 commission for refusing to delegate tasks or refusing to provide the
23 required training for delegation if the nurse determines delegation
24 may compromise patient safety.

25 (e) For delegation in community-based care settings or in-home
26 care settings, a registered nurse may delegate nursing care tasks
27 only to registered or certified nursing assistants under chapter
28 18.88A RCW or home care aides certified under chapter 18.88B RCW.
29 Simple care tasks such as blood pressure monitoring, personal care
30 service, diabetic insulin device set up, verbal verification of
31 insulin dosage for sight-impaired individuals, or other tasks as
32 defined by the nursing care quality assurance commission are exempted
33 from this requirement.

34 (i) "Community-based care settings" includes: Community
35 residential programs for people with developmental disabilities,
36 certified by the department of social and health services under
37 chapter 71A.12 RCW; adult family homes licensed under chapter 70.128
38 RCW; and assisted living facilities licensed under chapter 18.20 RCW.
39 Community-based care settings do not include acute care or skilled
40 nursing facilities.

1 (ii) "In-home care settings" include an individual's place of
2 temporary or permanent residence, but does not include acute care or
3 skilled nursing facilities, and does not include community-based care
4 settings as defined in (e)(i) of this subsection.

5 (iii) Delegation of nursing care tasks in community-based care
6 settings and in-home care settings is only allowed for individuals
7 who have a stable and predictable condition. "Stable and predictable
8 condition" means a situation in which the individual's clinical and
9 behavioral status is known and does not require the frequent presence
10 and evaluation of a registered nurse.

11 (iv) The determination of the appropriateness of delegation of a
12 nursing task is at the discretion of the registered nurse. Other than
13 delegation of the administration of insulin by injection for the
14 purpose of caring for individuals with diabetes, the administration
15 of medications by injection, sterile procedures, and central line
16 maintenance may never be delegated.

17 (v) When delegating insulin injections under this section, the
18 registered nurse delegator must instruct the individual regarding
19 proper injection procedures and the use of insulin, demonstrate
20 proper injection procedures, and must supervise and evaluate the
21 individual performing the delegated task (~~((weekly during the first
22 four weeks of delegation of insulin injections))~~) as required by the
23 commission by rule. If the registered nurse delegator determines that
24 the individual is competent to perform the injection properly and
25 safely, supervision and evaluation shall occur at (~~((least every
26 ninety days thereafter))~~) an interval determined by the commission by
27 rule.

28 (vi)(A) The registered nurse shall verify that the nursing
29 assistant or home care aide, as the case may be, has completed the
30 required core nurse delegation training required in chapter 18.88A or
31 18.88B RCW prior to authorizing delegation.

32 (B) Before commencing any specific nursing tasks authorized to be
33 delegated in this section, a home care aide must be certified
34 pursuant to chapter 18.88B RCW and must comply with RCW 18.88B.070.

35 (vii) The nurse is accountable for his or her own individual
36 actions in the delegation process. Nurses acting within the protocols
37 of their delegation authority are immune from liability for any
38 action performed in the course of their delegation duties.

39 (viii) Nursing task delegation protocols are not intended to
40 regulate the settings in which delegation may occur, but are intended

1 to ensure that nursing care services have a consistent standard of
2 practice upon which the public and the profession may rely, and to
3 safeguard the authority of the nurse to make independent professional
4 decisions regarding the delegation of a task.

5 (f) The delegation of nursing care tasks only to registered or
6 certified nursing assistants under chapter 18.88A RCW or to home care
7 aides certified under chapter 18.88B RCW may include glucose
8 monitoring and testing.

9 (g) The nursing care quality assurance commission may adopt rules
10 to implement this section.

11 (4) Only a person licensed as a registered nurse may instruct
12 nurses in technical subjects pertaining to nursing.

13 (5) Only a person licensed as a registered nurse may hold herself
14 or himself out to the public or designate herself or himself as a
15 registered nurse.

16 NEW SECTION. **Sec. 3.** Section 1 of this act expires July 1,
17 2022.

18 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect July 1,
19 2022.

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