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SENATE BILL 5920

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State of Washington

54th Legislature

1995 Regular Session

By Senators Franklin, Pelz, McAuliffe, Rasmussen, Snyder, Winsley, Fairley and C. Anderson

Read first time 02/14/95. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to delegating nursing care in schools; amending RCW  
2 18.79.260; and adding new sections to chapter 28A.210 RCW.

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

4 NEW SECTION. **Sec. 1.** The legislature recognizes that nurses have  
5 been successfully delegating nursing care tasks to family members and  
6 auxiliary staff for many years. The opportunity to delegate to  
7 registered and certified nursing assistants and other credentialed  
8 health personnel is essential to enhance the viability and quality of  
9 care in the common schools of this state. It is not the intent of the  
10 legislature to require all employees in the settings outlined in  
11 section 3 of this act to be credentialed health personnel. Only those  
12 employees who carry out delegated nursing tasks as delineated in this  
13 section are required to be registered or certified nurse assistants or  
14 credentialed health personnel.

15 (1) School nurses shall have the option to delegate to certified  
16 and registered nursing assistants, or other credentialed health  
17 personnel the following tasks: Oral and topical medications and  
18 ointments; nose, ear, and eye drops and ointments; dressing changes and  
19 catheterization using only clean technique; suppositories; enemas;

1 colostomy care; and gastrostomy feedings in established, wound-healed  
2 gastrostomies.

3 (2) The following procedures shall not be delegated: Sterile  
4 procedures; crossing the barrier of the skin; and management,  
5 manipulation, or care for intravenous devices, intravenous lines, or  
6 infusion of intravenous substances.

7 (3) Delegation should only occur for patients with a "stable and  
8 predictable" condition. In addition to this section and sections 3  
9 through 7 of this act, nurse delegation in common schools is subject to  
10 the provisions of applicable provisions of law.

11 **Sec. 2.** RCW 18.79.260 and 1994 sp.s. c 9 s 426 are each amended to  
12 read as follows:

13 A registered nurse under his or her license may perform for  
14 compensation nursing care, as that term is usually understood, of the  
15 ill, injured, or infirm, and in the course thereof, she or he may do  
16 the following things that shall not be done by a person not so  
17 licensed, except as provided in RCW 18.79.270:

18 (1) At or under the general direction of a licensed physician and  
19 surgeon, dentist, osteopathic physician and surgeon, podiatric  
20 physician and surgeon, physician assistant, osteopathic physician  
21 assistant, or advanced registered nurse practitioner acting within the  
22 scope of his or her license, administer medications, treatments, tests,  
23 and inoculations, whether or not the severing or penetrating of tissues  
24 is involved and whether or not a degree of independent judgment and  
25 skill is required except as provided in sections 3 through 7 of this  
26 act;

27 (2) Delegate to other persons engaged in nursing, the functions  
28 outlined in subsection (1) of this section;

29 (3) Delegate to certified and registered nursing assistants and  
30 other health personnel credentialed under chapter 18.130 RCW the  
31 functions outlined in sections 1 and 3 through 7 of this act;

32 (4) Instruct nurses in technical subjects pertaining to nursing;

33 (~~(4)~~) (5) Hold herself or himself out to the public or designate  
34 herself or himself as a registered nurse.

35 NEW SECTION. **Sec. 3.** (1) The Washington state nursing care  
36 quality assurance commission shall define "stable and predictable"  
37 conditions.

1 (2) The Washington state nursing care quality assurance commission  
2 shall develop a model informed consent form for nurses to use to  
3 provide consumers, delegates, and the delegating nurse information  
4 regarding the delegation process, the rights of refusal by the  
5 delegatee and the consumer and/or the parents or guardian, and  
6 agreement by all parties of the delegation of the nursing task.

7 (3) The Washington state nursing care quality assurance commission  
8 shall develop delegation protocols that shall be available to schools  
9 by July 1, 1996, that include the following requirements:

10 (a) Thorough patient assessment by the school nurse before  
11 consideration of delegation;

12 (b) The school nurse obtaining written consent signed by the  
13 consumer, delegatee, and registered nurse agreeing to the provision of  
14 delegated nursing tasks;

15 (c) The school nurse analyzing the complexity of the nursing task  
16 that is considered for delegation;

17 (d) The school nurse evaluating the ability of the delegatee to  
18 perform the delegated nursing task in the absence of direct nurse  
19 supervision;

20 (e) The school nurse determining any appropriate additional  
21 training requirements the delegatee must complete before tasks being  
22 delegated;

23 (f) The school nurse teaching the delegatee the specific delegated  
24 nursing task for each patient. The teaching requirements may vary  
25 depending upon the degree of complexity of the delegated task;

26 (g) The school nurse informing the delegatee that the delegated  
27 nursing task is specific to a consumer and is not transferable;

28 (h) The school nurse initially observing the delegatee performing  
29 the delegated task;

30 (i) The school nurse providing written instructions to the  
31 delegatee on delegated nursing tasks;

32 (j) The school nurse assuring the delegatee is aware of changes in  
33 patient status requiring reassessment by the school nurse; and

34 (k) The school nurse providing documentation and a written plan for  
35 nursing supervision and reevaluation of nursing tasks.

36 NEW SECTION. **Sec. 4.** No one may coerce a school nurse into  
37 compromising client safety by requiring the school nurse to delegate if  
38 the school nurse determines it is inappropriate to do so. The school

1 nurse shall have total discretion and final decision making in  
2 determining the appropriateness of delegation.

3 (1) The school nurse, delegatee, and consumer must sign an informed  
4 consent form regarding the delegation process, rights of refusal, and  
5 agreement to delegation of nursing tasks.

6 (2) School nurses shall not be subject to any employer reprisal or  
7 commission disciplinary action for refusing to delegate tasks or  
8 refusing to provide the required training for delegation if the school  
9 nurse determines delegation may compromise client safety.

10 (3) The delegatee shall have the right to refuse the assignment of  
11 a delegated task and the consumer and/or the parent or guardian shall  
12 have the right to refuse the delegation of nursing tasks.

13 (4) Delegatees shall not be subject to any employer reprisal or  
14 commission disciplinary action for refusing to accept delegation of a  
15 nursing task.

16 NEW SECTION. **Sec. 5.** (1) The school nurse and delegatee shall be  
17 held accountable for their own actions in the delegation process.

18 (2) School nurses acting within the protocols of their delegation  
19 authority are immune from suit in any action, civil or criminal,  
20 performed in the course of their delegation duties.

21 (3) Delegatees are immune from suit in any civil or criminal  
22 action, when following written delegation instructions from school  
23 nurses, and performed in the course of their duties.

24 NEW SECTION. **Sec. 6.** Public and private schools are subject to  
25 nurse delegation protocols under RCW 18.79.260, WAC 246-839-010, and  
26 sections 4 through 7 of this act, excluding those tasks under RCW  
27 28A.210.260 and 28A.210.270.

28 NEW SECTION. **Sec. 7.** The department of health in consultation  
29 with the nursing care quality assurance commission, office of the  
30 superintendent of public instruction, and other interested parties  
31 shall submit a report on nurse delegation in public schools to the  
32 legislative health committees by December 1997. The office of the  
33 superintendent of public instruction shall also implement communication  
34 strategies to assure that students, and/or parents or guardians, and  
35 providers have a complete understanding of the delegation process and  
36 the implications of current or revised statutes and rules. The

1 commission shall provide data on incidence of harm to the public due to  
2 the delegation of nursing tasks, reports of school nurses being coerced  
3 to delegate, and coercion of delegates to accept delegated nursing  
4 tasks.

5 NEW SECTION. **Sec. 8.** Sections 1 and 3 through 7 of this act are  
6 each added to chapter 28A.210 RCW.

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