

HOUSE BILL REPORT

HB 1289

As Reported By House Committee On:
Education

Title: An act relating to medicinal and catheterization administration in public schools.

Brief Description: Providing medical assistance in public schools.

Sponsors: Representatives Johnson, Hickel, Conway, Cody, Cole, Quall, Smith, Clements, Keiser, Blalock, Costa and Kessler.

Brief History:

Committee Activity:

Education: 2/4/97, 2/6/97 [DP].

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass. Signed by 10 members: Representatives Johnson, Chairman; Hickel, Vice Chairman; Cole, Ranking Minority Member; Keiser, Assistant Ranking Minority Member; Linville; Smith; Sterk; Sump; Talcott and Veloria.

Staff: Joe Hauth (786-7111).

Background: Administering Oral Medication to Students: Public school districts and private school governing boards may designate certain employees to provide oral medication to students who are in school when the medicine needs to be administered. If a school district or private school intends to administer oral medication to students during school hours, then the school board or private school governing council must adopt policies that include:

- obtaining a written request from the parent or legal guardian to administer the medication;
- obtaining written dentist or physician instructions for administering medications if there is a valid health reason for administering the medication during school hours or the medication has to be administered for more than 15 school days;
- designating personnel to administer medication to students;
- confirming the medication to be administered;
- safekeeping the medication; and
- recording the administration of the medication.

In each case, the school district or private school must obtain a written request from a parent or legal guardian to administer the medicine to the student, obtain a written request from a licensed physician or dentist explaining why the medicine needs to be administered during school hours, and obtain directions for administering the medicine from the dentist or doctor. The public or private school employee who administers the medication has to follow the prescription, and ensure that the medication appears to be in its original container and is properly labeled. A registered nurse or advanced registered nurse practitioner must train any public or private school employee who administers oral medication in proper medication procedures.

Administering or Assisting in Bladder Catheterization of Students: Public school districts and private school governing boards may designate certain employees to perform clean, intermittent bladder catheterization of students, or help students in performing a self-catheterization. If a school district or private school provides catheterization services, then the school district board of directors or private school governing board must comply with rules adopted by the Washington State Nursing Care Quality Assurance Commission, including:

- obtaining a written request from the child's parent or legal guardian for the catheterization;
- obtaining a written request from the physician to provide the catheterization during school hours;
- obtaining written instructions from a registered nurse or advanced registered nurse practitioner that designates who may provide the catheterization and whether any supervision is necessary; and
- training the employee to perform catheterization or assist in self-catheterization, if the employee is not a licensed practical nurse. The training must be provided by a physician, advanced registered nurse practitioner, or registered nurse.

The school district or private school must develop the catheterization policy in accordance with collective bargaining agreements.

In general, school districts must provide medical services to children with special needs to ensure that those children have a free appropriate public education. The term free appropriate public education— is special education and related services needed to assist a handicapped child to benefit from special education. Related services— may include school health services provided by a qualified school nurse or other qualified person.

Summary of Bill: Administering Oral Medication to Students: Public and private schools must obtain a written agreement from employees who are designated to administer oral medications to students. The school district or private school must keep the written agreement on file.

School district employees who are not licensed as a registered nurse, an advanced registered nurse practitioner, a licensed practical nurse, or a registered or certified nursing assistant may refuse in writing to administer oral medications to students within the school district. Under these circumstances, the school district may not terminate an employee who refuses to administer oral medications to students within the school district.

Administering or Assisting in Bladder Catheterization of Students: School district employees who are not licensed as a registered nurse, an advanced registered nurse practitioner, a licensed practical nurse, or a registered or certified nursing assistant may refuse in writing to perform clean, intermittent bladder catheterization of students. Under these circumstances, the school district may not terminate an employee who refuses to perform catheterization of students within the school district.

Appropriation: None.

Fiscal Note: Requested on January 31, 1997.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Students with complicated medical needs require increasingly complex medical assistance from trained, competent, staff. Classified employees in school districts are asked to perform medical procedures when they lack adequate training. Nurses may refuse to perform a medical procedure when they believe they are unqualified to perform the procedure. Classified employees should have the same right to refuse performing procedures for which they are not qualified.

Testimony Against: There are federal and state requirements for special education services. There is no doubt that more training is needed. If district personnel refuse to perform these procedures, who will provide these necessary services? There may be additional costs to school districts if they must hire additional staff to perform these medical procedures.

Testified: Tamara Warnke, Don Carlson, Ken McCulloch, Public School Employees (pro); Pat Wenzl, Monroe High School (pro); Judy Maire, Office of the Superintendent of Public Instruction (neutral); Joe Pope, Association of Washington School Principals; Christie Perkins, Washington State Special Education Coalition (con); Judy Hartmann, Washington Education Association (pro); Ann Simons, School Nurse Organization of Washington (pro); Patricia Tobia, Wapato School District (pro); and Judy Gilkerson, Sultan School District (pro).