

2 EHB 2304 - S AMD - 548
3 By Senator Thibaudeau

4 WITHDRAWN 5/19/99

5 On page 2, after line 23, insert the following:

6 "NEW SECTION. **Sec. 4.** The purpose of sections 5 and 6 of this act
7 is to provide safe prescriptive practice for students attending schools
8 and to promote continued public health and the prevention of contagious
9 disease transmission in the schools among student, faculty, and staff.

10 **Sec. 5.** RCW 28A.210.260 and 1994 sp.s. c 9 s 720 are each amended
11 to read as follows:

12 Public school districts and private schools which conduct any of
13 grades kindergarten through the twelfth grade may provide for the
14 administration of oral medication of any nature to students who are in
15 the custody of the school district or school at the time of
16 administration, but are not required to do so by this section, subject
17 to the following conditions:

18 (1) The board of directors of the public school district or the
19 governing board of the private school or, if none, the chief
20 administrator of the private school shall adopt policies which address
21 the designation of employees who may administer oral medications to
22 students, the acquisition of parent requests and instructions, and the
23 acquisition of ~~((dentist and physician))~~ requests from licensed health
24 professionals prescribing within the scope of their prescriptive
25 authority and instructions regarding students who require medication
26 for more than fifteen consecutive school days, the identification of
27 the medication to be administered, the means of safekeeping medications
28 with special attention given to the safeguarding of legend drugs as
29 defined in chapter 69.41 RCW, and the means of maintaining a record of
30 the administration of such medication;

31 (2) The board of directors shall seek advice from one or more
32 licensed physicians or nurses in the course of developing the foregoing
33 policies;

34 (3) The public school district or private school is in receipt of
35 a written, current and unexpired request from a parent, or a legal

1 guardian, or other person having legal control over the student to
2 administer the medication to the student;

3 (4) The public school district or the private school is in receipt
4 of (a) a written, current and unexpired request from a licensed
5 (~~physician or dentist~~) health professional prescribing within the
6 scope of his or her prescriptive authority for administration of the
7 medication, as there exists a valid health reason which makes
8 administration of such medication advisable during the hours when
9 school is in session or the hours in which the student is under the
10 supervision of school officials, and (b) written, current and unexpired
11 instructions from such (~~physician or dentist~~) licensed health
12 professional prescribing within the scope of his or her prescriptive
13 authority regarding the administration of prescribed medication to
14 students who require medication for more than fifteen consecutive work
15 days;

16 (5) The medication is administered by an employee designated by or
17 pursuant to the policies adopted pursuant to subsection (1) of this
18 section and in substantial compliance with the prescription of a
19 (~~physician or dentist~~) licensed health professional prescribing
20 within the scope of his or her prescriptive authority or the written
21 instructions provided pursuant to subsection (4) of this section;

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

25 (7) The board of directors shall designate a professional person
26 licensed pursuant to chapter 18.71 RCW or chapter 18.79 RCW as it
27 applies to registered nurses and advanced registered nurse
28 practitioners, to train and supervise the designated school district
29 personnel in proper medication procedures.

30 **Sec. 6.** RCW 28A.210.270 and 1990 c 33 s 208 are each amended to
31 read as follows:

32 (1) In the event a school employee administers oral medication to
33 a student pursuant to RCW 28A.210.260 in substantial compliance with
34 the prescription of the student's (~~physician or dentist~~) licensed
35 health professional prescribing within the scope of the professional's
36 prescriptive authority or the written instructions provided pursuant to
37 RCW 28A.210.260(4), and the other conditions set forth in RCW
38 28A.210.260 have been substantially complied with, then the employee,

1 the employee's school district or school of employment, and the members
2 of the governing board and chief administrator thereof shall not be
3 liable in any criminal action or for civil damages in their individual
4 or marital or governmental or corporate or other capacities as a result
5 of the administration of the medication.

6 (2) The administration of oral medication to any student pursuant
7 to RCW 28A.210.260 may be discontinued by a public school district or
8 private school and the school district or school, its employees, its
9 chief administrator, and members of its governing board shall not be
10 liable in any criminal action or for civil damages in their
11 governmental or corporate or individual or marital or other capacities
12 as a result of the discontinuance of such administration: PROVIDED,
13 That the chief administrator of the public school district or private
14 school, or his or her designee, has first provided actual notice orally
15 or in writing in advance of the date of discontinuance to a parent or
16 legal guardian of the student or other person having legal control over
17 the student."

18 Renumber the remaining section consecutively.

19 In line 1 of the title, after "programs;" insert "amending RCW
20 28A.210.260 and 28A.210.270;"

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