

HOUSE BILL ANALYSIS

SSB 5547

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

Brief Description: Providing medical assistance in public schools.

Sponsors: Senate Committee on Education (originally sponsored by Senators McAuliffe, Finkbeiner, Eide, Prentice, Winsley, Patterson, Thibaudeau, Oke, Kline and Rasmussen).

HOUSE COMMITTEE ON EDUCATION

Meeting Date: March 22, 1999.

Analysis Prepared by: Susan Morrissey (786-7111).

Background: Federal and state laws require the state to assure that appropriate special education and related services are provided to children with disabilities. In Irving Independent School District v. Tatro, the United States Supreme Court held that clean intermittent catheterization is both a related and supportive service under the federal Education of the Handicapped Act. Any school that receives funds under the act is required to provide this service if the procedure is necessary for a student to benefit from the student's educational program.

State law requires school districts and private schools to adopt policies on the administration of oral medication or the provision of bladder catheterization if schools provide this service for students during school hours. The policies must address, among other things, which employees may administer the medications or the catheterization, and how schools acquire parent and physician requests to medicate or catheterize. Nonlicensed school employees who provide oral medication or catheterization for students must receive training from a physician or registered nurse.

Oral Medication

Before school personnel administer oral medication, certain procedures must be followed. The school must obtain the following: a written request from a parent or legal guardian; a written explanation from a licensed physician or dentist on why the medication needs to be administered during school hours; and directions from the dentist or doctor for administering the medicine. 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.

Catheterization

Public and private schools may require employees to provide 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 must comply with rules adopted by the Washington State Nursing Care Quality Assurance Commission. The rules require the school to obtain a written request for the catheterization from the parents or guardian and the student's physician and written instructions from a registered nurse or advanced registered nurse practitioner. The instructions must designate the person to provide the catheterization and indicate any necessary supervision. Finally, training is required of any employee who performs catheterization or assists a student 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 must develop the catheterization policy in accordance with collective bargaining agreements.

Summary of Bill: School districts and private schools must obtain written agreements from employees who do not have nursing training before requiring the employees to administer oral medication to students. The schools must maintain a record of the agreements.

With some exceptions, school employees who are hired or transferred after this law takes effect may file a written letter of refusal to administer oral medications to students or to perform clean intermittent bladder catheterizations for students. This letter of refusal may not constitute grounds for employee dismissal or termination of employment.

These provisions do not apply to persons whose job description has specifically included the administration of oral medications since the person was hired or transferred. It also does not apply to registered nurses, practical nurses, registered nurse practitioners, nurse practitioners, or nursing assistants.

The permissive nature of the law on the administration of clean intermittent bladder catheterizations does not relieve a school district from an obligation to provide the service under relevant federal and state laws. The permissive nature of the law on the administration of oral medication to students is revised to be mandatory if a school has directions from the student's licensed medical provider.

Differences between SHB 1530 and SSB 5547:

SSB 5547 applies to persons hired or transferred after the effective date of the act may refused to administer oral medications or catheterizations if the service was not part of the employee's job description at the time the person was hired or transferred. **SHB 1530** applied to current employees and did not include a reference to job descriptions.

SSB 5547 includes language modifying the permissive nature of the administration of oral medications and catheterizations. **SHB 1530** did not include any such modification.

Appropriation: None.

Fiscal Note: Requested on March 16, 1999.

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