

SENATE BILL REPORT

SSB 5547

As Reported By Senate Committee On:
Education, February 3, 2000

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).

Brief History:

Committee Activity: Education: 2/1/99, 2/3/99, 2/22/99 [DPS]; 1/26/00; 2/3/00 [DP2S-WM].

Passed Senate, 3/11/99, 45-0.

SENATE COMMITTEE ON EDUCATION

Majority Report: That Second Substitute Senate Bill No. 5547 be substituted therefor, and the second substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Eide, Vice Chair; Bauer, Benton, Brown, Finkbeiner, Goings, Hochstatter, Kohl-Welles, Rasmussen, Swecker and Zarelli.

Staff: Susan Mielke (786-7422)

Background: Federal and state laws require the state to assure that appropriate special education and related services are provided to children with disabilities. A related service is a supportive service which is necessary to enable the child with the disability to benefit from special education.

State law requires school districts and private schools to adopt policies on the administration of oral medication, and the provision of bladder catheterization, if schools provide this supportive service for students during school hours. School employees who are not licensed nurses or nursing assistants, but who provide oral medication or catheterization for students must receive training from a physician or registered nurse.

Summary of Second Substitute Bill: Public school district policies must address obtaining a written agreement of employees who administer oral medications to students. Non-licensed public school employees may file a written letter of refusal to administer oral medications to students or to perform bladder catheterization for students unless the employee's job description specifically includes the duty when the employee is hired. This letter of refusal may not constitute grounds for employee dismissal or termination of employment.

Second Substitute Bill Compared to Substitute Bill: Only public schools, not private schools, must obtain a written agreement of employees who administer oral medications.

All non-licensed public school employees may file a letter of refusal, not just employees hired after the effective date of the act.

Appropriation: None.

Fiscal Note: Requested on January 26, 1999.

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

Testimony For: Non-licensed staff are not allowed to conduct health care activities without a nurse delegating the task to them. In certain circumstances nursing assistants can refuse to accept delegations of a nursing task based on patient safety issues. School employees should also be able to refuse to accept delegation of a nursing task. Schools are becoming the primary health care provider for some children. Nurses have been trained in health care activities but the school staff who are giving out the medications do not have that background.

Testimony Against: The option to refuse is okay but there should not be an requirement for a written agreement with employees who agree to do these activities. This bill will reduce the pool of employees that conduct these health care activities and require the school districts to hire nurses because no one else will agree to do the job. It will cost districts more to hire nurses to perform these duties.

Testified: PRO: Doug Nelson, PSE; Ann Simons, SNOW; Joanne Buranski, SNOW;
Concerns: Dwayne Slate, WSSDA; CON: Judy Maire, OSPI.