

SENATE BILL REPORT

SB 5547

As Reported By Senate Committee On:
Education, February 22, 1999

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

Brief Description: Providing medical assistance in public schools.

Sponsors: 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].

SENATE COMMITTEE ON EDUCATION

Majority Report: That Substitute Senate Bill No. 5547 be substituted therefor, and the substitute bill do pass.

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

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.

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. School employees who are not nurses or nursing assistants, but who provide oral medication or catheterization for students must receive training from a physician or registered nurse.

Summary of Substitute Bill: Nonlicensed school employees who are hired or transferred after the effective date of this act may file a written letter of refusal to administer oral medications to students or to perform bladder catheterization for students. This letter of refusal may not constitute grounds for employee dismissal or termination of employment.

Substitute Bill Compared to Original Bill: Clarifying technical amendments are made. Employees who are hired or transferred after the effective date of this act may refuse to administer oral medications or perform catheterization only if it was not in the job description when hired or transferred.

Appropriation: None.

Fiscal Note: Requested on January 26, 1999.

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

Testimony For: The level of nurses is diminishing but the demands for nursing services is increasing. Nonmedical employees are being asked to provide an increasing variety of medical services which are more serious and more frequent than ever before. Such services are beyond the regular training of a secretary, para-educator, or bus driver. Sometimes these duties are not part of the job description but the employee does not feel like they can refuse to do these duties.

Testimony Against: We support the employees' right to say no,– but are concerned because we must also ensure that the districts still meet the needs of the students. We don't think that if these duties are in your job description that you should be able to opt out of doing them. We have concerns that this bill could be a significant cost to a school district. We suggest that the section addressing oral medications be phased in. An alternative to this legislation is the training program being developed by the OSPI.

Testified: PRO: Karen Beeson, Bonnie Boehnke, WAEOP; Doug Nelson, PSE; Catherine Pitts, WAEOP; Pat Wenzl, PSE/Monroe; Marilyn Fenn, Charlene Fitzgerald, School Nurse Organization of Washington; Christie Perkins, Special Education Coalition (concerns); Gary King, Mary Katka, Barbara Auditore, WEA; Joan Yoshitomi, Judy Maire, OSPI (concerns); Sheri Sather, PSE; Barbara Mertens, WASA (concerns).