

SENATE BILL REPORT

SSB 6523

As Passed Senate, February 18, 2002

Title: An act relating to requiring a physician's medication or treatment order as a condition for children with life-threatening conditions to attend public school.

Brief Description: Requiring a physician's medication or treatment order as a condition for children with life-threatening conditions to attend public school.

Sponsors: Senate Committee on Education (originally sponsored by Senators McAuliffe, Prentice, Finkbeiner, Johnson, Shin and Rasmussen).

Brief History:

Committee Activity: Education: 2/4/02, 2/6/02 [DPS].

Passed Senate: 2/18/02, 46-0.

SENATE COMMITTEE ON EDUCATION

Majority Report: That Substitute Senate Bill No. 6523 be substituted therefor, and the substitute bill do pass.

Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Hochstatter, Johnson, Kastama and Zarelli.

Staff: Heather Lewis-Lechner (786-7448)

Background: Under current Washington law, school nurses may only administer medications and treatment at or under the direction of a physician, advanced registered nurse practitioner, or others as specified in statute. This law prevents nurses from performing certain services for the students if the student does not have a physician's order giving them the authority to render treatment.

Under the Washington Constitution, the state has a paramount duty to make ample provision for the education of all resident children. The language in the Washington Constitution has been interpreted by courts to allow the schools and the Legislature to set reasonable prerequisites for admission, such as requiring specified immunizations.

Summary of Bill: Public schools are given the authority to deny a student admission to the school if the student fails to present, to the school, a physician's medication or treatment order addressing any life-threatening health condition that requires the child to receive medical services at the school. Prior to exclusion from school, the student's parents or legal guardians must be provided with written notice that the student will be prevented from attending the school due to the lack of a physician's order and must be given an opportunity to discuss the matter in procedures as adopted by the State Board of Education (SBE). The SBE must adopt rules that establish the procedural and substantive due process requirements for implementation of this section. The Superintendent of Public Instruction must develop

any policies necessary for the implementation of this section in consultation with the Department of Health, including a definition of "life threatening health condition."

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Having medication and treatment orders in place will help nurses keep students safe. This is not about excluding children but is only about getting them into the school safely. Currently, the State Board of Education has the authority to adopt rules regarding procedural and process requirements for immunization requirements and adopting rules for implementing this bill should not be difficult. However, a clear and concise definition of what a life threatening health condition is, is needed.

Testimony Against: None.

Testified: PRO: Mary Myers, Marilyn Fenn, SNOW; Patty Martin, State Board of Ed.; Greg Williamson, Judy Maire, OSPI; Laura Thelander, American Diabetes Association.