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HOUSE BILL 1328

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State of Washington

57th Legislature

2001 Regular Session

By Representatives Cody, Campbell, Conway, Schual-Berke, Talcott, Keiser, Santos, Edwards, Kenney, Veloria, Lovick and Edmonds

Read first time 01/23/2001. Referred to Committee on Health Care.

1 AN ACT Relating to requiring registration of a school health aide;  
2 and adding a new chapter to Title 18 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that there is a  
5 diminishing supply of school nurses serving the health needs of  
6 students in the state's school districts. The supply of nurses has not  
7 increased in proportion to school enrollment. In addition, the  
8 increasingly complex health needs of students can no longer be  
9 adequately met by the delegation of nursing tasks to unlicensed and  
10 untrained school personnel, such as teachers, teacher's assistants, and  
11 secretarial staff, without compromising the health of students and  
12 exposing school districts to legal liability. The delegation practices  
13 in public schools of complex nursing tasks are of questionable legality  
14 and the opportunity for error has life-threatening consequences.  
15 Removing health barriers to learning is essential to the successful  
16 education of students, and should be addressed in the state's school  
17 districts by recognizing established nursing practice standards and the  
18 state's uniform professional accountability processes. The legislature

1 declares that the training of registered school health aides is in the  
2 interest of public health and safety.

3 NEW SECTION. **Sec. 2.** The definitions in this section apply  
4 throughout this chapter unless the context clearly requires otherwise.

5 (1) "Commission" means the nursing care quality assurance  
6 commission created in RCW 18.79.070.

7 (2) "Department" means the department of health.

8 (3) "School health aide" means a person registered under this  
9 chapter who performs health care tasks under training and supervision  
10 of a registered nurse licensed under RCW 18.79.040. Typical health  
11 care tasks would include oral and topical medications, clean  
12 intermittent catheterization, and clean dressing changes.

13 (4) "Secretary" means the secretary of health.

14 NEW SECTION. **Sec. 3.** (1) No certificated or noncertificated  
15 school district employee may practice or represent himself or herself  
16 as a school health aide by use of any title or description of services  
17 without being registered to practice by the department, unless  
18 otherwise exempted by this chapter.

19 (2) Nursing tasks delegated to a school health aide include those  
20 nursing procedures applicable to school districts provided by law,  
21 including those tasks determined by the commission by rule in  
22 consultation with the superintendent of public instruction.

23 (3) Nothing in this section shall be construed to affect the scope  
24 of nursing procedures applicable to school districts as provided by  
25 law.

26 NEW SECTION. **Sec. 4.** Nothing in this chapter shall be construed  
27 to prohibit or restrict:

28 (1) The practice by an individual licensed, certified, or  
29 registered under the laws of this state and performing services within  
30 the authorized scope of practice;

31 (2) The practice by an individual employed by the government of the  
32 United States while engaged in the performance of duties prescribed by  
33 the laws of the United States; or

34 (3) The practice by a person who is a regular student in an  
35 educational program approved by the secretary, and whose performance of

1 services is pursuant to a regular course of instruction or assignments  
2 from an instructor and under the general supervision of the instructor.

3 NEW SECTION. **Sec. 5.** In addition to any other authority provided  
4 by law, the secretary has the authority to:

5 (1) Adopt rules under chapter 34.05 RCW necessary to implement this  
6 chapter;

7 (2) Establish all registration, examination, and renewal fees in  
8 accordance with RCW 43.70.250;

9 (3) Establish forms and procedures necessary to administer this  
10 chapter;

11 (4) Register any applicants, and to deny registration to applicants  
12 who do not meet the minimum qualifications, except that proceedings  
13 concerning the denial of registration based upon unprofessional conduct  
14 or impairment shall be governed by the uniform disciplinary act,  
15 chapter 18.130 RCW;

16 (5) Hire clerical, administrative, investigative, and other staff  
17 as needed to implement this chapter, and hire individuals registered  
18 under this chapter to serve as examiners for any practical  
19 examinations;

20 (6) Determine minimum education or training requirements;

21 (7) Determine whether alternative methods of training are  
22 equivalent to formal education, and establish forms, procedures, and  
23 criteria for evaluation of an applicant's alternative training to  
24 determine the applicant's eligibility for registration;

25 (8) Implement and administer a program for consumer education;

26 (9) Adopt rules implementing a continuing competency program; and

27 (10) Maintain the official department record of all applicants and  
28 persons registered under this chapter.

29 NEW SECTION. **Sec. 6.** The secretary shall keep an official record  
30 of all proceedings. A part of the record shall consist of a register  
31 of all applicants for registration under this chapter and the results  
32 of each application.

33 NEW SECTION. **Sec. 7.** The secretary shall issue a registration to  
34 any applicant who completes an application that identifies the name and  
35 address of the applicant, the registration being requested, and  
36 information required by the secretary necessary to establish whether

1 there are grounds for denial of a registration or issuance of a  
2 conditional registration under chapter 18.130 RCW.

3 NEW SECTION. **Sec. 8.** The commission, in consultation with the  
4 superintendent of public instruction, shall establish by rule the  
5 standards and procedures for approval of educational and alternative  
6 training programs.

7 NEW SECTION. **Sec. 9.** Applications for registration shall be  
8 submitted on forms provided by the secretary. The secretary may  
9 require any information and documentation that reasonably relates to  
10 the need to determine whether the applicant meets the criteria for  
11 registration provided for in this chapter and chapter 18.130 RCW. Each  
12 applicant shall pay a fee determined by the secretary under RCW  
13 43.70.250. The fee shall accompany the application.

14 NEW SECTION. **Sec. 10.** The secretary shall establish by rule the  
15 procedural requirements and fees for renewal of a registration.  
16 Failure to renew shall invalidate the registration and all privileges  
17 granted by the registration. If a registration has lapsed for a period  
18 longer than three years, the person shall demonstrate competence to the  
19 satisfaction of the secretary by taking continuing education courses,  
20 or meeting other standards determined by the secretary.

21 NEW SECTION. **Sec. 11.** The uniform disciplinary act, chapter  
22 18.130 RCW, governs the issuance and denial of registrations,  
23 unauthorized practice, and the discipline of persons registered under  
24 this chapter. The secretary is the disciplining authority under this  
25 chapter.

26 NEW SECTION. **Sec. 12.** This chapter only applies to a business or  
27 profession regulated under the laws of this state if this chapter is  
28 specifically referenced in the laws regulating that business or  
29 profession.

30 NEW SECTION. **Sec. 13.** If any provision of this act or its  
31 application to any person or circumstance is held invalid, the  
32 remainder of the act or the application of the provision to other  
33 persons or circumstances is not affected.

1        NEW SECTION.    **Sec. 14.**    Sections 1 through 13 of this act  
2    constitute a new chapter in Title 18 RCW.

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