

SENATE BILL REPORT

HB 2247

As of February 22, 2012

Title: An act relating to expanding the types of medications that a public or private school employee may administer to include topical medication, eye drops, and ear drops.

Brief Description: Expanding the types of medications that a public or private school employee may administer to include topical medication, eye drops, and ear drops.

Sponsors: Representatives Green, Cody, Billig, Fitzgibbon, Reykdal, Maxwell, Jinkins, Finn, Moeller and Ryu.

Brief History: Passed House: 1/30/12, 96-0.

Committee Activity: Early Learning & K-12 Education: 2/20/12.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Lidia Mori (786-7755)

Background: A public or private school employee may administer oral medications to children who are in the custody of the public or private school at the time of administration if the following conditions are met:

1. The school district or the private school has policies that address:
 - a. the designation of the employees who may administer the medications;
 - b. the acquisition of parent requests and instructions; and
 - c. requests from licensed health professionals prescribing within the scope of their prescriptive authority and instructions regarding students who require medication for more than 15 consecutive school days, the identification of the medication to be administered, the means of safekeeping medications, and the means of maintaining records of the administration of the medications.
2. The school district or private school possesses a written, current, and unexpired request of a parent, legal guardian, or other person having legal control over the student to administer the medication to the student.
3. The public school district or private school possesses:
 - a. a written, current, and unexpired request from a licensed health professional acting within the scope of the health professional's prescriptive authority for administration of the medication, because there exists a valid health reason that makes administration of the medication advisable during school hours or the hours when the student is under the supervision of school officials; and

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- b. written, current, and unexpired instructions from the licensed health professional regarding the administration of the medication to students who require medication for more than 15 consecutive work days.
4. The medication is administered by a designated school employee in compliance with the prescription or written instructions.
5. The medication is first examined by the employee administering the medication to determine whether it appears to be in the original container and properly labeled.
6. A physician, advanced registered nurse practitioner, or registered nurse has been designated to train and supervise the designated employee in proper medication procedures.

A school employee, school district, or private school is immune from civil or criminal liability arising from the administration of medications in a manner that complies with state law, the applicable prescription, and applicable written instructions. Similarly, a school employee, school district, or private school is immune from criminal or civil liability for the discontinuance of the medication as long as notice has been given to the parent, legal guardian, or other person having legal control over the student.

Summary of Bill: The type of medication that may be administered by a school employee is expanded to include topical medication, eye drops, and ear drops.

In order to be able to administer the medications a physician, advanced registered nurse practitioner, or registered nurse must be designated to delegate to – in addition to training and supervising – the designated school district personnel in proper medication procedures.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: School nurses retain the responsibility to assess whether the school employee is competent to administer the medication. Competency includes that the school employee is willing to administer the medication, available when the child needs the medication, and able to safely administer it. The nursing commission supports HB 2247 and looks forward to its implementation. Historically we have been able to delegate oral administration of medication to an unlicensed school staff with education and training, but it often arises that there is a need to administer topical medications. We rarely have a nurse on staff so we have to schedule a nurse to administer these medications. This can be problematic and expensive for schools to arrange.

Persons Testifying: PRO: Nancy Sutherland, School Nurses of WA; Christine Reheis Cattle, Registered Nurse; Paula R. Meyer, Nursing Commission.