

FINAL BILL REPORT

SB 6128

PARTIAL VETO C 204 L 14 Synopsis as Enacted

Brief Description: Concerning the delivery of medication and services by unlicensed school employees.

Sponsors: Senators Litzow, McAuliffe, Hobbs, Dammeier, Tom and Mullet.

Senate Committee on Early Learning & K-12 Education House Committee on Education

Background: According to statute, the state Nursing Care Quality Assurance Commission's (Commission's) purpose is to regulate the competency and quality of professional health care providers under its jurisdiction by establishing, monitoring, and enforcing qualifications for licensing, consistent standards of practice, continuing competency mechanisms, and discipline. Rules, policies, and procedures developed by the Commission must promote the delivery of quality health care to the residents of the state of Washington.

Registered nursing practice is defined in statute as the performance of acts requiring substantial specialized knowledge, judgment, and skill based on the principles of the biological, physiological, behavioral, and sociological sciences in a number of specific areas.

Advanced registered nurse practitioners, according to law, may under their license perform for compensation nursing care, of the ill, injured, or infirm, and in the course thereof, may perform a number of other tasks.

Summary: Beginning July 1, 2014, a school district employee not licensed under the Nursing Care statute who is asked to administer medications or perform nursing services not previously recognized in law must file, at the time the employee is asked to administer the medication or perform the nursing service and without coercion by the employer, a voluntary, written, current, and unexpired letter of intent stating the employee's willingness to administer the new medication or nursing service. It is understood that the letter of intent expires if the conditions of acceptance are substantially changed. If a school employee who is not licensed under the Nursing Care statute chooses not to file a letter, the employee is not subject to any employer reprisal or disciplinary action for refusing to file a letter.

If a school employee provides the medication or service to a student in substantial compliance with rules adopted by the Commission and the instructions of a registered nurse

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or advanced registered nurse practitioner issued under such rules and written policies of the school district, then the employee, the employee's school district or school of employment, and the members of the governing board and chief administrator thereof are not liable in any criminal action or for civil damages in individual, marital, governmental, corporate, or other capacity as a result of providing the medication or service.

The board of directors must designate a professional person licensed under certain medical professional statutes to consult and coordinate with the student's parents and health care provider, and train and supervise the appropriate school district personnel in proper procedures to ensure a safe, therapeutic learning environment. School employees must receive the training provided under this subsection before they are authorized to deliver the service or medication. Such training must be provided, when necessary, on an ongoing basis to ensure that the proper procedures are not forgotten because the services or medication are delivered infrequently.

Non-nurse school employees are added to the list of individuals who are not liable for civil damages resulting from any act or omission in the rendering of emergency care at the scene of an emergency, during a school activity or in transporting a person therefrom, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

Votes on Final Passage:

Senate	48	0	
House	95	2	(House amended)
Senate	49	0	(Senate concurred)

Effective: June 12, 2014

Partial Veto Summary: The Governor vetoed intent language regarding student health conditions and nursing services at schools that was not necessary to implement or interpret the substantive provisions of the act.