
SUBSTITUTE HOUSE BILL 1541

State of Washington 63rd Legislature 2013 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Klippert, Cody, Schmick, Green, Harris, Chandler, Kristiansen, Morrell, Ryu, Angel, Jinkins, Van De Wege, and Pollet)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to expanding the types of medications that a public
2 or private school employee may administer to include nasal spray; and
3 amending RCW 28A.210.260 and 28A.210.270.

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

5 **Sec. 1.** RCW 28A.210.260 and 2012 c 16 s 1 are each amended to read
6 as follows:

7 Public school districts and private schools which conduct any of
8 grades kindergarten through the twelfth grade may provide for the
9 administration of oral medication, topical medication, eye drops,
10 ~~((or))~~ ear drops, or nasal spray, of any nature to students who are in
11 the custody of the school district or school at the time of
12 administration, but are not required to do so by this section, subject
13 to the following conditions:

14 (1) The board of directors of the public school district or the
15 governing board of the private school or, if none, the chief
16 administrator of the private school shall adopt policies which address
17 the designation of employees who may administer oral medications,
18 topical medications, eye drops, ~~((or))~~ ear drops, or nasal spray to
19 students, the acquisition of parent requests and instructions, and the

1 acquisition of requests from licensed health professionals prescribing
2 within the scope of their prescriptive authority and instructions
3 regarding students who require medication for more than fifteen
4 consecutive school days, the identification of the medication to be
5 administered, the means of safekeeping medications with special
6 attention given to the safeguarding of legend drugs as defined in
7 chapter 69.41 RCW, and the means of maintaining a record of the
8 administration of such medication;

9 (2) The board of directors shall seek advice from one or more
10 licensed physicians or nurses in the course of developing the foregoing
11 policies;

12 (3) The public school district or private school is in receipt of
13 a written, current and unexpired request from a parent, or a legal
14 guardian, or other person having legal control over the student to
15 administer the medication to the student;

16 (4) The public school district or the private school is in receipt
17 of (a) a written, current and unexpired request from a licensed health
18 professional prescribing within the scope of his or her prescriptive
19 authority for administration of the medication, as there exists a valid
20 health reason which makes administration of such medication advisable
21 during the hours when school is in session or the hours in which the
22 student is under the supervision of school officials, and (b) written,
23 current and unexpired instructions from such licensed health
24 professional prescribing within the scope of his or her prescriptive
25 authority regarding the administration of prescribed medication to
26 students who require medication for more than fifteen consecutive
27 workdays;

28 (5) The medication is administered by an employee designated by or
29 pursuant to the policies adopted pursuant to subsection (1) of this
30 section and in substantial compliance with the prescription of a
31 licensed health professional prescribing within the scope of his or her
32 prescriptive authority or the written instructions provided pursuant to
33 subsection (4) of this section. If a school nurse is on the premises,
34 a nasal spray that is a legend drug or a controlled substance must be
35 administered by the school nurse. If no school nurse is on the
36 premises, a nasal spray that is a legend drug or a controlled substance
37 may be administered by a school employee who is not a school nurse.

1 After a school employee who is not a school nurse administers a nasal
2 spray that is a legend drug or a controlled substance, the employee
3 shall summon emergency medical assistance as soon as practicable;

4 (6) The medication is first examined by the employee administering
5 the same to determine in his or her judgment that it appears to be in
6 the original container and to be properly labeled; and

7 (7) The board of directors shall designate a professional person
8 licensed pursuant to chapter 18.71 RCW or chapter 18.79 RCW as it
9 applies to registered nurses and advanced registered nurse
10 practitioners, to delegate to, train, and supervise the designated
11 school district personnel in proper medication procedures.

12 **Sec. 2.** RCW 28A.210.270 and 2012 c 16 s 2 are each amended to read
13 as follows:

14 (1) In the event a school employee administers oral medication,
15 topical medication, eye drops, (~~(ear)~~) ear drops, or nasal spray to a
16 student pursuant to RCW 28A.210.260 in substantial compliance with the
17 prescription of the student's licensed health professional prescribing
18 within the scope of the professional's prescriptive authority or the
19 written instructions provided pursuant to RCW 28A.210.260(4), and the
20 other conditions set forth in RCW 28A.210.260 have been substantially
21 complied with, then the employee, the employee's school district or
22 school of employment, and the members of the governing board and chief
23 administrator thereof shall not be liable in any criminal action or for
24 civil damages in their individual or marital or governmental or
25 corporate or other capacities as a result of the administration of the
26 medication.

27 (2) The administration of oral medication, topical medication, eye
28 drops, (~~(ear)~~) ear drops, or nasal spray to any student pursuant to RCW
29 28A.210.260 may be discontinued by a public school district or private
30 school and the school district or school, its employees, its chief
31 administrator, and members of its governing board shall not be liable
32 in any criminal action or for civil damages in their governmental or
33 corporate or individual or marital or other capacities as a result of
34 the discontinuance of such administration: PROVIDED, That the chief
35 administrator of the public school district or private school, or his
36 or her designee, has first provided actual notice orally or in writing

1 in advance of the date of discontinuance to a parent or legal guardian
2 of the student or other person having legal control over the student.

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