

2 **SB 5920** - S AMD - 119
3 By Senator Franklin

4 ADOPTED 3/11/95

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature recognizes that many
8 students in the K-12 setting need appropriate nursing service support
9 to actively and fully participate in their educational program. It is
10 not the intent of the legislature to replace the role of school nurses,
11 but to increase their ability to delegate specific tasks safely to
12 school employees for students needing routine health care services.
13 The opportunity to delegate to registered and certified nursing
14 assistants could enhance the viability and quality of care and learning
15 in the common schools of this state. It is not the intent of the
16 legislature to require school employees to be certified nursing
17 assistants. Only those employees who carry out delegated nursing tasks
18 as delineated pursuant to sections 1, 2, and 4 through 7 of this act
19 are required to be registered or certified nurse assistants.

20 (1) Registered nurses shall have the option to delegate to
21 certified and registered nursing assistants the following tasks: Oral
22 and topical medications and ointments; nose, ear, and eye drops and
23 ointments; catheterization using only clean technique as provided by
24 RCW 18.79.290; suppositories; and gastrostomy feedings in established,
25 wound-healed gastrostomies.

26 (2) The following procedures shall not be delegated: Sterile
27 procedures; crossing the barrier of the skin; and management,
28 manipulation, or care for intravenous devices, intravenous lines,
29 infusion of intravenous substances, enemas, colostomy care, or dressing
30 changes.

31 (3) Delegation shall only occur for students with a "stable and
32 predictable" condition as defined by the Washington state nursing care
33 quality assurance commission. In addition to this section and sections
34 4 through 7 of this act, nurse delegation in common schools is subject
35 to applicable provisions of law.

36 (4) In order to protect the public health and safety, at the

1 beginning of the school year public school districts and private
2 schools that provide for delegation of nursing tasks under this section
3 shall designate as delegates one certificated employee or one
4 classified employee and one alternate at each school. Any delegatee
5 shall:

6 (a) Show proof of training in infection control, developed and
7 provided by the school district;

8 (b) Register with the department of health and be subject to the
9 uniform disciplinary act, chapter 18.130 RCW, for purposes of tasks
10 performed as a delegatee; and

11 (c) Meet all training requirements provided by the delegating nurse
12 in accordance with protocols set by the nursing care quality assurance
13 commission.

14 (5) Sections 1, 2, and 4 through 7 of this act do not apply to
15 emergency first aid situations.

16 NEW SECTION. **Sec. 2.** Unless the context clearly requires
17 otherwise, the definitions in this section apply throughout sections 1
18 and 4 through 7 of this act.

19 (1) "Registered nurse" means school district nursing personnel who
20 are licensed pursuant to chapter 18.79 RCW and may in addition hold
21 state board of education certification as a school nurse.

22 (2) "Delegating nurse" means a registered nurse as defined in this
23 section.

24 (3) "Delegatee" means a certified or registered nursing assistant.

25 **Sec. 3.** RCW 18.79.260 and 1994 sp.s. c 9 s 426 are each amended to
26 read as follows:

27 A registered nurse under his or her license may perform for
28 compensation nursing care, as that term is usually understood, of the
29 ill, injured, or infirm, and in the course thereof, she or he may do
30 the following things that shall not be done by a person not so
31 licensed, except as provided in RCW 18.79.270:

32 (1) At or under the general direction of a licensed physician and
33 surgeon, dentist, osteopathic physician and surgeon, podiatric
34 physician and surgeon, physician assistant, osteopathic physician
35 assistant, or advanced registered nurse practitioner acting within the
36 scope of his or her license, administer medications, treatments, tests,
37 and inoculations, whether or not the severing or penetrating of tissues

1 is involved and whether or not a degree of independent judgment and
2 skill is required except as provided in sections 4 through 7 of this
3 act;

4 (2) Delegate to other persons engaged in nursing, the functions
5 outlined in subsection (1) of this section;

6 (3) Delegate to certified and registered nursing assistants
7 credentialed under chapter 18.130 RCW the functions outlined in
8 sections 1 and 4 through 7 of this act;

9 (4) Instruct nurses in technical subjects pertaining to nursing;

10 (~~(4)~~) (5) Hold herself or himself out to the public or designate
11 herself or himself as a registered nurse.

12 NEW SECTION. Sec. 4. (1) The Washington state nursing care
13 quality assurance commission, as provided by chapter 18.79 RCW, shall:

14 (a) Define "stable and predictable" conditions as used in section
15 1 of this act;

16 (b) Develop a clear and readable model informed consent form that
17 substantially complies with chapter 7.70 RCW for nurses to use to
18 provide consumers, delegates, and the delegating nurse information
19 regarding the delegation process, the rights of refusal by the
20 delegatee and the consumer and/or the parents or guardian, and
21 agreement by all parties of the delegation of the nursing task; and

22 (c) Develop delegation protocols that shall be available to schools
23 by June 1, 1996, that include the following requirements:

24 (i) Thorough student assessment by the registered nurse before
25 consideration of delegation;

26 (ii) The registered nurse obtaining written consent signed by the
27 student and/or parent or guardian and the delegatee agreeing to the
28 provision of delegated nursing tasks;

29 (iii) The registered nurse analyzing the complexity of the nursing
30 task that is considered for delegation;

31 (iv) The registered nurse evaluating the ability of the delegatee
32 to perform the delegated nursing task in the absence of direct nurse
33 supervision;

34 (v) The registered nurse training the delegatee the specific
35 delegated nursing task for each student. The training requirements may
36 vary depending upon the degree of complexity of the delegated task;

37 (vi) The registered nurse informing the delegatee that the
38 delegated nursing task is specific to a student and is not

1 transferable;

2 (vii) The registered nurse initially observing the delegatee
3 performing the delegated task;

4 (viii) The registered nurse providing written instructions to the
5 delegatee on delegated nursing tasks;

6 (ix) The registered nurse informing the delegatee to be alert to
7 any changes observed in student status that could require reassessment
8 by the registered nurse;

9 (x) The registered nurse providing documentation of compliance or
10 barriers to compliance in carrying out nurse delegation tasks and a
11 written plan for nursing supervision and reevaluation of nursing tasks;
12 and

13 (xi) The registered nurse having proof that the delegatee has
14 received infection control training from the school district.

15 NEW SECTION. **Sec. 5.** No one may coerce a registered nurse into
16 compromising student safety by requiring the registered nurse to
17 delegate if the registered nurse determines it is inappropriate to do
18 so. The registered nurse shall have total discretion and final
19 decision making in determining the appropriateness of delegation.

20 (1) The registered nurse, delegatee, and student and/or student's
21 parent or guardian must sign an informed consent form regarding the
22 delegation process, rights of refusal, and agreement to delegation of
23 nursing tasks.

24 (2) Registered nurses shall not be subject to any employer reprisal
25 or commission disciplinary action for refusing to delegate tasks or
26 refusing to provide the required training for delegation if the
27 registered nurse determines delegation may compromise student safety.

28 (3) The delegatee shall have the right to refuse the assignment of
29 a delegated task and the student and/or the parent or guardian shall
30 have the right to refuse the delegation of nursing tasks.

31 (4) Delegates shall not be subject to any employer reprisal or
32 commission disciplinary action for refusing to accept delegation of a
33 nursing task.

34 NEW SECTION. **Sec. 6.** (1) The delegating nurse and delegatee shall
35 be held accountable for their own actions in the delegation process.

36 (2) Registered nurses acting within the protocols of their
37 delegation authority are immune from suit in any action, civil or

1 criminal, performed in the course of their delegation duties.

2 (3) Delegates are immune from suit in any civil or criminal
3 action, when following written delegation instructions from registered
4 nurses, and performed in the course of their duties.

5 NEW SECTION. **Sec. 7.** Public and private schools are subject to
6 nurse delegation protocols under RCW 18.79.260 and 18.79.290 and
7 sections 5 through 7 of this act, excluding those tasks under RCW
8 28A.210.260 and 28A.210.270.

9 NEW SECTION. **Sec. 8.** A new section is added to chapter 18.79 RCW
10 to read as follows:

11 Nurse delegation in public and private schools is governed by
12 sections 1, 2, and 4 through 7 of this act.

13 NEW SECTION. **Sec. 9.** By June 1, 1996, the nursing care quality
14 assurance commission shall adopt rules incorporating the requirements
15 of sections 1, 2, and 4 through 7 of this act for the delegation of
16 clean catheterization by registered nurses to delegates in schools.

17 NEW SECTION. **Sec. 10.** The department of health in consultation
18 with the nursing care quality assurance commission, office of the
19 superintendent of public instruction, and other interested parties
20 shall submit a report on nurse delegation in public schools to the
21 legislative health committees by December 1997. The office of the
22 superintendent of public instruction shall also implement communication
23 strategies to assure that students, parents and/or guardians, the
24 delegating nurse, and the delegatee have a complete understanding of
25 the delegation process and the implications of current or revised
26 statutes and rules. The commission shall provide data on incidence of
27 harm to the public due to the delegation of nursing tasks, reports of
28 registered nurses being coerced to delegate, coercion of delegates to
29 accept delegated nursing tasks, the number of students who received
30 delegation, and the accumulated time involved in the delegation of
31 nursing tasks. The report should include relevant information on
32 serving health care needs to students before and after nurse
33 delegation.

34 NEW SECTION. **Sec. 11.** Sections 1, 2, and 4 through 7 of this act

1 are each added to chapter 28A.210 RCW.

2 NEW SECTION. **Sec. 12.** Sections 1 through 3 and 5 through 7 of
3 this act shall take effect September 1, 1996."

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7 On page 1, line 1 of the title, after "schools;" strike the
8 remainder of the title and insert "amending RCW 18.79.260; adding new
9 sections to chapter 28A.210 RCW; adding a new section to chapter 18.79
10 RCW; creating new sections; and providing an effective date."

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