
ENGROSSED SENATE BILL 5920

State of Washington

54th Legislature

1995 Regular Session

By Senators Franklin, Pelz, McAuliffe, Rasmussen, Snyder, Winsley, Fairley and C. Anderson

Read first time 02/14/95. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to delegating nursing care in schools; amending RCW
2 18.79.260; adding new sections to chapter 28A.210 RCW; adding a new
3 section to chapter 18.79 RCW; creating new sections; and providing an
4 effective date.

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

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

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

7 (2) The following procedures shall not be delegated: Sterile
8 procedures; crossing the barrier of the skin; and management,
9 manipulation, or care for intravenous devices, intravenous lines,
10 infusion of intravenous substances, enemas, colostomy care, or dressing
11 changes.

12 (3) Delegation shall only occur for students with a "stable and
13 predictable" condition as defined by the Washington state nursing care
14 quality assurance commission. In addition to this section and sections
15 4 through 7 of this act, nurse delegation in common schools is subject
16 to applicable provisions of law.

17 (4) In order to protect the public health and safety, at the
18 beginning of the school year public school districts and private
19 schools that provide for delegation of nursing tasks under this section
20 shall designate as delegates one certificated employee or one
21 classified employee and one alternate at each school. Any delegatee
22 shall:

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

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

28 (c) Meet all training requirements provided by the delegating nurse
29 in accordance with protocols set by the nursing care quality assurance
30 commission.

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

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

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

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

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

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

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

11 (1) At or under the general direction of a licensed physician and
12 surgeon, dentist, osteopathic physician and surgeon, podiatric
13 physician and surgeon, physician assistant, osteopathic physician
14 assistant, or advanced registered nurse practitioner acting within the
15 scope of his or her license, administer medications, treatments, tests,
16 and inoculations, whether or not the severing or penetrating of tissues
17 is involved and whether or not a degree of independent judgment and
18 skill is required except as provided in sections 4 through 7 of this
19 act;

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

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

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

26 ~~((4))~~ (5) Hold herself or himself out to the public or designate
27 herself or himself as a registered nurse.

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

30 (a) Define "stable and predictable" conditions as used in section
31 1 of this act;

32 (b) Develop a clear and readable model informed consent form that
33 substantially complies with chapter 7.70 RCW for nurses to use to
34 provide consumers, delegatees, and the delegating nurse information
35 regarding the delegation process, the rights of refusal by the
36 delegatee and the consumer and/or the parents or guardian, and
37 agreement by all parties of the delegation of the nursing task; and

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

3 (i) Thorough student assessment by the registered nurse before
4 consideration of delegation;

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

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

10 (iv) The registered nurse evaluating the ability of the delegatee
11 to perform the delegated nursing task in the absence of direct nurse
12 supervision;

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

16 (vi) The registered nurse informing the delegatee that the
17 delegated nursing task is specific to a student and is not
18 transferable;

19 (vii) The registered nurse initially observing the delegatee
20 performing the delegated task;

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

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

26 (x) The registered nurse providing documentation of compliance or
27 barriers to compliance in carrying out nurse delegation tasks and a
28 written plan for nursing supervision and reevaluation of nursing tasks;
29 and

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

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

37 (1) The registered nurse, delegatee, and student and/or student's
38 parent or guardian must sign an informed consent form regarding the

1 delegation process, rights of refusal, and agreement to delegation of
2 nursing tasks.

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

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

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

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

15 (2) Registered nurses acting within the protocols of their
16 delegation authority are immune from suit in any action, civil or
17 criminal, performed in the course of their delegation duties.

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

21 NEW SECTION. **Sec. 7.** Public and private schools are subject to
22 nurse delegation protocols under RCW 18.79.260 and 18.79.290 and
23 sections 5 through 7 of this act, excluding those tasks under RCW
24 28A.210.260 and 28A.210.270.

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

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

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

33 NEW SECTION. **Sec. 10.** The department of health in consultation
34 with the nursing care quality assurance commission, office of the

1 superintendent of public instruction, and other interested parties
2 shall submit a report on nurse delegation in public schools to the
3 legislative health committees by December 1997. The office of the
4 superintendent of public instruction shall also implement communication
5 strategies to assure that students, parents and/or guardians, the
6 delegating nurse, and the delegatee have a complete understanding of
7 the delegation process and the implications of current or revised
8 statutes and rules. The commission shall provide data on incidence of
9 harm to the public due to the delegation of nursing tasks, reports of
10 registered nurses being coerced to delegate, coercion of delegates to
11 accept delegated nursing tasks, the number of students who received
12 delegation, and the accumulated time involved in the delegation of
13 nursing tasks. The report should include relevant information on
14 serving health care needs to students before and after nurse
15 delegation.

16 NEW SECTION. **Sec. 11.** The legislative budget committee shall
17 study possible funding sources for adding more registered nurses to
18 public and private schools in Washington state. The committee shall
19 use data on the number of school nurses in each district and the number
20 of children needing nursing care in schools during the school year
21 1995-96, as compiled by the superintendent of public instruction. The
22 committee shall report to appropriate committees of the legislature by
23 December 1996.

24 NEW SECTION. **Sec. 12.** Sections 1, 2, and 4 through 7 of this act
25 are each added to chapter 28A.210 RCW.

26 NEW SECTION. **Sec. 13.** Sections 1 through 3 and 5 through 7 of
27 this act shall take effect September 1, 1996.

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