

2 **ESHB 2676** - S AMD TO S COM AMD  
3 By Senator West

4 On page 64, after line 35, insert the following:

5 NEW SECTION. **Sec. 432.** A new section is added to chapter  
6 18.88A RCW to read as follows:

7 For the purposes of maintaining a registry of qualified persons  
8 and becoming subject to the provisions of chapter 18.130 RCW, an  
9 unlicensed person authorized to administer medications or treatments  
10 under section 433 of this act shall register with the state nursing  
11 care quality assurance commission as a nursing assistant-registered,  
12 providing services to persons with developmental disabilities.

13 NEW SECTION. **Sec. 433.** A new section is added to chapter 71A.10  
14 RCW to read as follows:

15 (1) Community residential programs certified by the department of  
16 social and health services under chapter 71A.12 RCW and adult family  
17 homes licensed under chapter 70.128 RCW and also certified by the  
18 department of social and health services under chapter 71A.12 RCW may  
19 permit certain staff who are employed as direct care staff who have  
20 been trained and have registered as a nursing assistant-registered,  
21 providing services to persons with developmental disabilities as  
22 defined in RCW 18.88A.020(5) to administer the following medications  
23 or treatments to persons with developmental disabilities:

24 (a) Oral medication;

25 (b) Topical medication;

26 (c) Nose, ear, and eye drops;

27 (d) Suppositories;

28 (e) Home glucose testing and monitoring procedures if the  
29 glucometer is recalibrated daily;

30 (f) Enemas packaged in unit doses only;

31 (g) Prescribed emergency procedures, which shall be limited to  
32 activating emergency services, specifically, calling 911 and  
33 notifying the attending physician and/or the supervising nurse; and

1 (h) Gastrostomy tube feedings, under conditions provided in  
2 subsection (4) of this section.

3 (2) Treatment authorized by this section must be prescribed by a  
4 health care practitioner licensed under Title 18 RCW and who has  
5 prescriptive authority, acting within the scope of his or her  
6 license, and may be administered only after proper training as  
7 specified in subsection (3) of this section.

8 (3) The nursing assistant defined in RCW 18.88A.020(5) shall  
9 receive the training specified in this subsection. The person  
10 conducting the training must be a registered nurse licensed under  
11 chapter 18.88 RCW. A registered nurse shall not be subject to any  
12 reprisal or disciplinary action for refusing to provide the training  
13 required under this section. Training shall include the following:

14 (a) Teaching of the nursing assistant defined in RCW  
15 18.88A.020(5) the task, including the nature of the condition  
16 requiring treatment, risks of the treatment, side effects, and  
17 interaction of prescribed medications;

18 (b) Observation of the nursing assistant defined in RCW  
19 18.88A.020(5) performing the task to assure that the nursing  
20 assistant defined in RCW 18.88A.020(5) does the task safely and  
21 accurately;

22 (c) Written instructions for performance of the task for the  
23 nursing assistant defined in RCW 18.88A.020(5) to use as a reference;

24 (d) Instructions to the nursing assistant defined in RCW  
25 18.88A.020(5) that the task being taught is specific to this client  
26 only and is not transferable to other clients or taught to other care  
27 providers;

28 (e) Documentation of how the task was taught, the teaching  
29 outcome, the content and type of instructions left for the nursing  
30 assistant defined in RCW 18.88A.020(5), evidence that the nursing  
31 assistant defined in RCW 18.88A.020(5) understands risks involved in  
32 performing the task and has a plan for how to respond to the  
33 consequences, and evidence that the nursing assistant defined in RCW  
34 18.88A.020(5) was instructed that the task is client-specific and not  
35 transferable to other clients or providers;

36 (f) Performance of the administration of medications or  
37 treatments by nursing assistants defined in RCW 18.88A.020(5)  
38 authorized in this section shall be reviewed at least annually by a  
39 registered nurse.

1 (4) A registered nurse may delegate administration of  
2 gastrostomy, but not nasogastric, tube feedings to a nursing  
3 assistant defined in RCW 18.88A.020(5) specific to one client under  
4 the following conditions:

5 (a) The registered nurse shall consider the nature of the task to  
6 be provided, its complexity, risk involved, and the necessary skill  
7 needed;

8 (b) The registered nurse shall assess the client's condition and  
9 determine that there is not a significant risk to the client if the  
10 nursing assistant defined in RCW 18.88A.020(5) performs the task in  
11 the absence of direct supervision;

12 (c) The registered nurse shall determine how frequently the  
13 client's condition shall be reassessed to determine the  
14 appropriateness of the continued delegation of the task to a nursing  
15 assistant defined in RCW 18.88A.020(5);

16 (d) If there is some risk involved to the client, the registered  
17 nurse shall determine that the nursing assistant defined in RCW  
18 18.88A.020(5) is prepared to respond effectively to the consequences;

19 (e) The registered nurse shall assess the ability of the nursing  
20 assistant defined in RCW 18.88A.020(5) to perform the task;

21 (f) The registered nurse shall determine the frequency of  
22 supervision of the nursing assistant defined in RCW 18.88A.020(5);

23 (g) The registered nurse shall document the process for deciding  
24 that the task can be safely delegated for the specific client to the  
25 specific nursing assistant defined in RCW 18.88A.020(5);

26 (h) The registered nurse shall document how frequently the client  
27 should be reassessed by a registered nurse regarding continued  
28 delegation of the task to the nursing assistant defined in RCW  
29 18.88A.020(5);

30 (i) The responsibility, accountability, and authority of the  
31 registered nurse shall be limited to teaching and delegation of  
32 administration of gastrostomy tube feeding to the nursing assistant  
33 defined in RCW 18.88A.020(5), and the determination of which nursing  
34 assistants defined in RCW 18.88A.020(5) and the number of nursing  
35 assistants defined in RCW 18.88A.020(5) that must be taught and  
36 delegated the task of administration of gastrostomy tube feedings  
37 shall remain with the registered nurse;

1 (j) The number of persons to whom the tasks are taught and  
2 delegated shall be limited to the number that can be safely  
3 supervised by the registered nurse; and

4 (k) The registered nurse shall assure that the nursing assistant  
5 defined in RCW 18.88A.020(5) maintains proficiency in performing the  
6 tasks through periodic supervision, and reviews conducted at least  
7 annually, by the registered nurse.

8 (5) The delegating registered nurse has a responsibility to  
9 determine that the nursing assistant defined in RCW 18.88A.020(5) is  
10 indeed competent to perform the delegated act. Nonnursing and  
11 managerial persons shall not coerce the registered nurse into  
12 compromising client safety by requiring the registered nurse to  
13 delegate. Both the delegating registered nurse and the nursing  
14 assistant defined in RCW 18.88A.020(5) are accountable for their own  
15 actions in the delegation process.

16 (6) Verification of the current registration of a person holding  
17 himself or herself out to be a nursing assistant defined in RCW  
18 18.88A.020(5) and any restrictions relating to the registration shall  
19 be the responsibility of the employer of the nursing assistant  
20 defined in RCW 18.88A.020(5).

21 (7) Development of rules implementing subsections (2), (3), (4),  
22 and (5) of this section shall be jointly adopted by the department of  
23 social and health services and the state nursing care quality  
24 assurance commission.

25 (8) A basic core training curriculum on providing care in  
26 residential settings for people with developmental disabilities shall  
27 be in addition to the specific nursing assistant training specified  
28 in this section. Such additional training shall be developed and  
29 adopted by rule by the secretary of the department of social and  
30 health services.

31 (9) This section may not be construed to apply to persons who are  
32 not developmentally disabled or to persons who are living in  
33 residential habilitation centers, nor to any setting or facility  
34 other than community residential programs certified by the department  
35 of social and health services under chapter 71A.12 RCW and adult  
36 family homes licensed under chapter 70.128 RCW and also certified by  
37 the department of social and health services under chapter 71A.12  
38 RCW.

1       **Sec. 434.** RCW 71A.10.020 and 1988 c 176 s 102 are each amended  
2 to read as follows:

3       As used in this title, the following terms have the meanings  
4 indicated unless the context clearly requires otherwise.

5       (1) "Department" means the department of social and health  
6 services.

7       (2) "Developmental disability" means a disability attributable to  
8 mental retardation, cerebral palsy, epilepsy, autism, or another  
9 neurological or other condition of an individual found by the  
10 secretary to be closely related to mental retardation or to require  
11 treatment similar to that required for individuals with mental  
12 retardation, which disability originates before the individual  
13 attains age eighteen, which has continued or can be expected to  
14 continue indefinitely, and which constitutes a substantial handicap  
15 to the individual. By January 1, 1989, the department shall  
16 promulgate rules which define neurological or other conditions in a  
17 way that is not limited to intelligence quotient scores as the sole  
18 (~~determinate~~ [~~determinant~~]) determinant of these conditions, and  
19 notify the legislature of this action.

20       (3) "Eligible person" means a person who has been found by the  
21 secretary under RCW 71A.16.040 to be eligible for services.

22       (4) "Habilitative services" means those services provided by  
23 program personnel to assist persons in acquiring and maintaining life  
24 skills and to raise their levels of physical, mental, social, and  
25 vocational functioning. Habilitative services include education,  
26 training for employment, and therapy.

27       (5) "Legal representative" means a parent of a person who is  
28 under eighteen years of age, a person's legal guardian, a person's  
29 limited guardian when the subject matter is within the scope of the  
30 limited guardianship, a person's attorney at law, a person's attorney  
31 in fact, or any other person who is authorized by law to act for  
32 another person.

33       (6) "Notice" or "notification" of an action of the secretary  
34 means notice in compliance with RCW 71A.10.060.

35       (7) "Residential habilitation center" means a state-operated  
36 facility for persons with developmental disabilities governed by  
37 chapter 71A.20 RCW.

38       (8) "Secretary" means the secretary of social and health services  
39 or the secretary's designee.

1 (9) "Service" or "services" means services provided by state or  
2 local government to carry out this title.

3 (10) "Delegation" means direct authorization granted by a  
4 registered nurse to an unlicensed nursing assistant defined in RCW  
5 18.88A.020(5) to perform the functions authorized in this chapter  
6 that fall within the scope of practice of the delegator and that are  
7 not within the scope of practice of the delegatee.

8 (11) "Supervision of nursing assistant defined in RCW 18.88A.020"  
9 means the provision of guidance and evaluation by a qualified  
10 registered nurse for the accomplishment of the specific tasks  
11 enumerated in section 433 of this act with the initial direction of  
12 the task or activity, periodic inspection of the actual act of  
13 accomplishing the task or activity, and the authority to require  
14 corrective action. The licensed registered nurse is not required to  
15 be on the premises but has given oral and written instructions  
16 relating to the specific task or activity and the client has been  
17 assessed by the licensed registered nurse prior to authority or  
18 delegation being granted to perform the task or activity.

19 NEW SECTION. Sec. 435. The secretary of health in consultation  
20 with the state nursing care quality assurance commission and the  
21 department of social and health services shall monitor the  
22 implementation of sections 432 through 434 this act and shall make an  
23 interim report by December 31, 1995, and a final report by December  
24 31, 1996, to the legislature on the effectiveness of sections 432  
25 through 434 of this act, including whether registration provides  
26 sufficient safeguards for protecting the health and safety of persons  
27 with developmental disabilities, and with any recommendations for  
28 improvements. The report shall be based on direct observation,  
29 documentation, and interviews, and shall specifically include a  
30 recommendation on whether a change in the level of credentialing is  
31 appropriate relating to patient care and safety."

32 Renumber the remaining sections consecutively and correct  
33 internal references accordingly.

34 On page 98, line 30, strike "~~(6)~~)" and insert ") "Nursing  
35 assistant-registered, providing services to persons with  
36 developmental disabilities" means an individual employed as direct

1 care staff in a community residential program certified by the  
2 department of social and health services under chapter 71A.12 RCW or  
3 an adult family home licensed under chapter 70.128 RCW and who has  
4 been trained by a registered nurse licensed under chapter 18.88 RCW  
5 to administer the specific medications or treatments authorized in  
6 section 433 of this act. (6)"

7 **ESHB 2163** - S AMD TO S COM AMD

8 By Senator West

9 On page 189, line 25 of the title amendment, after "71.24.025,"  
10 insert "71A.10.020,"

11 On page 189, line 38 of the title amendment, after "18.130 RCW;"  
12 insert "adding a new section to chapter 71A.10 RCW; adding a new  
13 section to chapter 18.88A RCW;"

14 --- END ---