

2 **ESHB 2676** - S AMD - 000567

3 By Senators McAuliffe, West, Moyer and Haugen

4 RULED OUTSIDE SCOPE & OBJECT 3/11/94

5 On page 66, after line 33, insert the following:

6 "NEW SECTION. **Sec. 432.** A new section is added to chapter
7 18.88A RCW to read as follows:

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

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

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

25 (a) Oral medication;

26 (b) Topical medication;

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

28 (d) Suppositories;

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

31 (f) Enemas packaged in unit doses only;

32 (g) Prescribed emergency procedures, which shall be limited to
33 activating emergency services, specifically, calling 911 and

34 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)"

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8 By Senators McAuliffe, West, Moyer and Haugen

9 RULED OUTSIDE SCOPE & OBJECT 3/22/94

10 On page 2, line 1 of the title amendment, after "71.24.025,"
11 insert "71A.10.020,"

12 On page 2, line 16 of the title amendment, after "88.46 RCW;"
13 insert "adding a new section to chapter 71A.10 RCW; adding a new
14 section to chapter 18.88A RCW;"

15 --- END ---