

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1218**

56th Legislature  
2000 Regular Session

Passed by the House March 5, 2000  
Yeas 81 Nays 0

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**Speaker of the House of Representatives**

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**Speaker of the House of Representatives**

Passed by the Senate February 29, 2000  
Yeas 44 Nays 0

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**President of the Senate**

Approved

\_\_\_\_\_  
Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1218** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1218**

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Passed Legislature - 2000 Regular Session

AS AMENDED BY THE SENATE

**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** House Committee on Health Care (originally sponsored by Representatives Cody and Parlette; by request of Department of Health)

Read first time 02/17/1999.

1       AN ACT Relating to department of health recommendations for  
2 improving nurse delegation in community settings; amending RCW  
3 18.88A.210, 18.88A.230, and 18.79.260; and repealing RCW 18.88A.220 and  
4 18.88A.240.

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

6       **Sec. 1.** RCW 18.88A.210 and 1998 c 272 s 10 are each amended to  
7 read as follows:

8       (1) A ~~((nurse may delegate specific care tasks to))~~ nursing  
9 assistant~~((s))~~ meeting the requirements of this section ~~((and))~~ who  
10 provides care to individuals in ~~((community residential programs for~~  
11 ~~the developmentally disabled certified by the department of social and~~  
12 ~~health services under chapter 71A.12 RCW, to individuals residing in~~  
13 ~~adult family homes licensed under chapter 70.128 RCW, and to~~  
14 ~~individuals residing in boarding homes licensed under chapter 18.20 RCW~~  
15 ~~contracting with the department of social and health services to~~  
16 ~~provide assisted living services pursuant to RCW 74.39A.010))~~  
17 community-based care settings, as defined in RCW 18.79.260(3), may  
18 accept delegation of nursing care tasks by a registered nurse as  
19 provided in RCW 18.79.260(3).

1 (2) For the purposes of this section, "nursing assistant" means a  
2 nursing assistant-registered or a nursing assistant-certified. Nothing  
3 in this section may be construed to affect the authority of nurses to  
4 delegate nursing tasks to other persons, including licensed practical  
5 nurses, as authorized by law.

6 (3) Before commencing any specific nursing care tasks authorized  
7 under this chapter, the nursing assistant must (a) provide to the  
8 delegating nurse a certificate of completion issued by the department  
9 of social and health services indicating the completion of basic core  
10 nurse delegation training ((as provided in this section)), (b) be  
11 regulated by the department of health pursuant to this chapter, subject  
12 to the uniform disciplinary act under chapter 18.130 RCW, and (c) meet  
13 any additional training requirements identified by the nursing care  
14 quality assurance commission ((and authorized by this section)).  
15 Exceptions to these training requirements must adhere to RCW  
16 18.79.260(3)(d)(iii).

17 ~~((4) A nurse may delegate the following care tasks:~~

18 ~~(a) Oral and topical medications and ointments;~~

19 ~~(b) Nose, ear, eye drops, and ointments;~~

20 ~~(c) Dressing changes and catheterization using clean techniques as~~  
21 ~~defined by the nursing care quality assurance commission;~~

22 ~~(d) Suppositories, enemas, ostomy care;~~

23 ~~(e) Blood glucose monitoring;~~

24 ~~(f) Gastrostomy feedings in established and healed condition.~~

25 ~~(5) On or before September 1, 1995, the nursing care quality~~  
26 ~~assurance commission, in conjunction with the professional nursing~~  
27 ~~organizations, shall develop rules for nurse delegation protocols and~~  
28 ~~by December 5, 1995, identify training beyond the core training that is~~  
29 ~~deemed necessary for the delegation of complex tasks and patient care.~~

30 ~~(6) Nursing task delegation protocols are not intended to regulate~~  
31 ~~the settings in which delegation may occur but are intended to ensure~~  
32 ~~that nursing care services have a consistent standard of practice upon~~  
33 ~~which the public and profession may rely and to safeguard the authority~~  
34 ~~of the nurse to make independent professional decisions regarding the~~  
35 ~~delegation of a task. Protocols shall include at least the following:~~

36 ~~(a) Ensure that determination of the appropriateness of delegation~~  
37 ~~of a nursing task is at the discretion of the nurse;~~

38 ~~(b) Allow delegation of a nursing care task only for patients who~~  
39 ~~have a stable and predictable condition. "Stable and predictable~~

1 condition" means a situation, as defined by rule by the nursing care  
2 quality assurance commission, in which the patient's clinical and  
3 behavioral status is known and does not require frequent presence and  
4 evaluation of a registered nurse;

5 (c) ~~Assure that the initial delegating nurse obtains written~~  
6 ~~consent to the nurse delegation process from the patient or a person~~  
7 ~~authorized under RCW 7.70.065. Written consent is only necessary at~~  
8 ~~the initial use of the nurse delegation process for each patient and is~~  
9 ~~not necessary for task additions or changes or if a different nurse or~~  
10 ~~nursing assistant will be participating in the process. The written~~  
11 ~~consent must include at a minimum the following:~~

12 (i) ~~A list of the tasks that could potentially be delegated per RCW~~  
13 ~~18.88A.210; and~~

14 (ii) ~~A statement that a nursing assistant through the nurse~~  
15 ~~delegation process will be performing a task that would previously have~~  
16 ~~been performed by a registered or licensed practical nurse;~~

17 (d) ~~Verify that the nursing assistant has completed the core~~  
18 ~~training;~~

19 (e) ~~Require assessment by the nurse of the ability and willingness~~  
20 ~~of the nursing assistant to perform the delegated nursing task in the~~  
21 ~~absence of direct nurse supervision and to refrain from delegation if~~  
22 ~~the nursing assistant is not able or willing to perform the task;~~

23 (f) ~~Require the nurse to analyze the complexity of the nursing task~~  
24 ~~that is considered for delegation and determine the appropriate level~~  
25 ~~of training and any need of additional training for the nursing~~  
26 ~~assistant;~~

27 (g) ~~Require the teaching of the nursing care task to the nursing~~  
28 ~~assistant utilizing one or more of the following: (i) Verification of~~  
29 ~~competency via return demonstration; (ii) other methods for~~  
30 ~~verification of competency to perform the nursing task; or (iii)~~  
31 ~~assurance that the nursing assistant is competent to perform the~~  
32 ~~nursing task as a result of systems in place in the community~~  
33 ~~residential program for the developmentally disabled, adult family~~  
34 ~~home, or boarding home providing assisted living services;~~

35 (h) ~~Require a plan of nursing supervision and reevaluation of the~~  
36 ~~delegated nursing task. "Nursing supervision" means that the~~  
37 ~~registered nurse monitors by direct observation or by whatever means is~~  
38 ~~deemed appropriate by the registered nurse the skill and ability of the~~  
39 ~~nursing assistant to perform delegated nursing tasks. Frequency of~~

1 supervision is at the discretion of the registered nurse but shall  
2 occur at least every sixty days;

3 (i) Require instruction to the nursing assistant that the delegated  
4 nursing task is specific to a patient and is not transferable;

5 (j) Require documentation and written instruction related to the  
6 delegated nursing task be provided to the nursing assistant and a copy  
7 maintained in the patient record;

8 (k) Ensure that the nursing assistant is prepared to effectively  
9 deal with the predictable outcomes of performing the nursing task;

10 (l) Include in the delegation of tasks an awareness of the nature  
11 of the condition requiring treatment, risks of the treatment, side  
12 effects, and interaction of prescribed medications;

13 (m) Require documentation in the patient's record of the rationale  
14 for delegating or not delegating nursing tasks.

15 (7) A basic core training curriculum on providing care for  
16 individuals in community residential programs for the developmentally  
17 disabled certified by the department of social and health services  
18 under chapter 71A.12 RCW shall be in addition to the training  
19 requirements specified in subsection (5) of this section. Basic core  
20 training shall be developed and adopted by rule by the secretary of the  
21 department of social and health services. The department of social and  
22 health services shall appoint an advisory panel to assist in the  
23 development of core training comprised of representatives of the  
24 following:

25 (a) The division of developmental disabilities;

26 (b) The nursing care quality assurance commission;

27 (c) Professional nursing organizations;

28 (d) A state-wide organization of community residential service  
29 providers whose members are programs certified by the department under  
30 chapter 71A.12 RCW.

31 (8) A basic core training curriculum on providing care to residents  
32 in residential settings licensed under chapter 70.128 RCW, or in  
33 assisted living pursuant to RCW 74.39A.010 shall be mandatory for  
34 nursing assistants prior to assessment by a nurse regarding the ability  
35 and willingness to perform a delegated nursing task. Core training  
36 shall be developed and adopted by rule by the secretary of the  
37 department of social and health services, in conjunction with an  
38 advisory panel. The advisory panel shall be comprised of  
39 representatives from, at a minimum, the following:

- 1       ~~(a) The nursing care quality assurance commission;~~  
2       ~~(b) Professional nurse organizations;~~  
3       ~~(c) A state wide association of community residential service~~  
4 ~~providers whose members are programs certified by the department under~~  
5 ~~chapter 71A.12 RCW;~~  
6       ~~(d) Aging consumer groups;~~  
7       ~~(e) Associations representing homes licensed under chapters 70.128~~  
8 ~~and 18.20 RCW; and~~  
9       ~~(f) Associations representing home health, hospice, and home care~~  
10 ~~agencies licensed under chapter 70.127 RCW.))~~

11       **Sec. 2.** RCW 18.88A.230 and 1998 c 272 s 11 are each amended to  
12 read as follows:

13       (1) The ~~((nurse and))~~ nursing assistant shall be accountable for  
14 their own individual actions in the delegation process. ~~((Nurses~~  
15 ~~acting within the protocols of their delegation authority shall be~~  
16 ~~immune from liability for any action performed in the course of their~~  
17 ~~delegation duties.))~~ Nursing assistants following written delegation  
18 instructions from registered nurses performed in the course of their  
19 accurately written, delegated duties shall be immune from liability.

20       (2) ~~((No person may coerce a nurse into compromising patient safety~~  
21 ~~by requiring the nurse to delegate if the nurse determines it is~~  
22 ~~inappropriate to do so. Nurses shall not be subject to any employer~~  
23 ~~reprisal or disciplinary action by the Washington nursing care quality~~  
24 ~~assurance commission for refusing to delegate tasks or refusing to~~  
25 ~~provide the required training for delegation if the nurse determines~~  
26 ~~delegation may compromise patient safety.))~~ Nursing assistants shall  
27 not be subject to any employer reprisal or disciplinary action by the  
28 ~~((nursing care quality assurance commission))~~ secretary for refusing to  
29 accept delegation of a nursing task based on patient safety issues. No  
30 ~~((community residential program, adult family home, or boarding home~~  
31 ~~contracting to provide assisted living services))~~ community-based care  
32 setting as defined in RCW 18.79.260(3)(d) may discriminate or retaliate  
33 in any manner against a person because the person made a complaint or  
34 cooperated in the investigation of a complaint.

35       ~~((3) The department of social and health services may impose a~~  
36 ~~civil fine of not less than two hundred fifty dollars nor more than one~~  
37 ~~thousand dollars on a community residential program, adult family home,~~  
38 ~~or boarding home under chapter 18, Laws of 1995 1st sp. sess. that~~

1 knowingly permits an employee to perform a nursing task except as  
2 delegated by a nurse pursuant to chapter 18, Laws of 1995 1st sp.  
3 sess.)

4 **Sec. 3.** RCW 18.79.260 and 1995 1st sp.s. c 18 s 51 are each  
5 amended to read as follows:

6 (1) 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 and 18.88A.210:)).

11 ((1)) (2) A registered nurse may, at or under the general  
12 direction of a licensed physician and surgeon, dentist, osteopathic  
13 physician and surgeon, naturopathic physician, podiatric physician and  
14 surgeon, physician assistant, osteopathic physician assistant, or  
15 advanced registered nurse practitioner acting within the scope of his  
16 or her license, administer medications, treatments, tests, and  
17 inoculations, whether or not the severing or penetrating of tissues is  
18 involved and whether or not a degree of independent judgment and skill  
19 is required. Such direction must be for acts which are within the  
20 scope of registered nursing practice(;

21 (2) Delegate to other persons the functions outlined in subsection  
22 (1) of this section in accordance with chapter 18.88A RCW;)).

23 (3) A registered nurse may delegate tasks of nursing care to other  
24 individuals where the registered nurse determines that it is in the  
25 best interest of the patient.

26 (a) The delegating nurse shall:

27 (i) Determine the competency of the individual to perform the  
28 tasks;

29 (ii) Evaluate the appropriateness of the delegation;

30 (iii) Supervise the actions of the person performing the delegated  
31 task; and

32 (iv) Delegate only those tasks that are within the registered  
33 nurse's scope of practice.

34 (b) A registered nurse may not delegate acts requiring substantial  
35 skill, the administration of medications, or piercing or severing of  
36 tissues except to registered or certified nursing assistants who  
37 provide care to individuals in community-based care settings as

1 authorized under (d) of this subsection. Acts that require nursing  
2 judgment shall not be delegated.

3 (c) No person may coerce a nurse into compromising patient safety  
4 by requiring the nurse to delegate if the nurse determines that it is  
5 inappropriate to do so. Nurses shall not be subject to any employer  
6 reprisal or disciplinary action by the nursing care quality assurance  
7 commission for refusing to delegate tasks or refusing to provide the  
8 required training for delegation if the nurse determines delegation may  
9 compromise patient safety.

10 (d) For delegation in community-based care settings, a registered  
11 nurse may delegate nursing care tasks only to registered or certified  
12 nursing assistants. Simple care tasks such as blood pressure  
13 monitoring, personal care service, or other tasks as defined by the  
14 nursing care quality assurance commission are exempted from this  
15 requirement. "Community-based care settings" includes: Community  
16 residential programs for the developmentally disabled, certified by the  
17 department of social and health services under chapter 71A.12 RCW;  
18 adult family homes licensed under chapter 70.128 RCW; and boarding  
19 homes licensed under chapter 18.20 RCW. Community-based care settings  
20 do not include acute care or skilled nursing facilities.

21 (i) Delegation of nursing care tasks in community-based care  
22 settings is only allowed for individuals who have a stable and  
23 predictable condition. "Stable and predictable condition" means a  
24 situation in which the individual's clinical and behavioral status is  
25 known and does not require the frequent presence and evaluation of a  
26 registered nurse.

27 (ii) The determination of the appropriateness of delegation of a  
28 nursing task is at the discretion of the registered nurse. However,  
29 the administration of medications by injection, sterile procedures, and  
30 central line maintenance may never be delegated.

31 (iii) The registered nurse shall verify that the nursing assistant  
32 has completed the required core nurse delegation training required in  
33 chapter 18.88A RCW prior to authorizing delegation.

34 (iv) The nurse is accountable for his or her own individual actions  
35 in the delegation process. Nurses acting within the protocols of their  
36 delegation authority are immune from liability for any action performed  
37 in the course of their delegation duties.

38 (v) On or before June 30, 2001, the nursing care quality assurance  
39 commission, in conjunction with the professional nursing organizations



1 and the department of social and health services, shall make any needed  
2 revisions or additions to nurse delegation protocols by rule, including  
3 standards for nurses to obtain informed consent prior to the delegation  
4 of nursing care tasks. Nursing task delegation protocols are not  
5 intended to regulate the settings in which delegation may occur, but  
6 are intended to ensure that nursing care services have a consistent  
7 standard of practice upon which the public and the profession may rely,  
8 and to safeguard the authority of the nurse to make independent  
9 professional decisions regarding the delegation of a task.

10 (e) The nursing care quality assurance commission may adopt rules  
11 to implement this section.

12 (4) Only a person licensed as a registered nurse may instruct  
13 nurses in technical subjects pertaining to nursing((÷)).

14 ((+4)) (5) Only a person licensed as a registered nurse may hold  
15 herself or himself out to the public or designate herself or himself as  
16 a registered nurse.

17 NEW SECTION. Sec. 4. The following acts or parts of acts are each  
18 repealed:

19 (1) RCW 18.88A.220 and 1995 1st sp.s. c 18 s 47; and

20 (2) RCW 18.88A.240 and 1995 1st sp.s. c 18 s 49.

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