

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1541

Chapter 180, Laws of 2013

63rd Legislature
2013 Regular Session

K-12 EDUCATION--NASAL SPRAY ADMINISTRATION

EFFECTIVE DATE: 07/28/13

Passed by the House April 18, 2013
Yeas 94 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 15, 2013
Yeas 48 Nays 0

BRAD OWEN

President of the Senate

Approved May 8, 2013, 2:39 p.m.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1541** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 8, 2013

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1541

AS AMENDED BY THE SENATE

Passed Legislature - 2013 Regular Session

State of Washington 63rd Legislature 2013 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Klippert, Cody, Schmick, Green, Harris, Chandler, Kristiansen, Morrell, Ryu, Angel, Jinkins, Van De Wege, and Pollet)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to expanding the types of medications that a public
2 or private school employee may administer to include nasal spray; and
3 amending RCW 28A.210.260 and 28A.210.270.

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

5 **Sec. 1.** RCW 28A.210.260 and 2012 c 16 s 1 are each amended to read
6 as follows:

7 Public school districts and private schools which conduct any of
8 grades kindergarten through the twelfth grade may provide for the
9 administration of oral medication, topical medication, eye drops,
10 ~~((or))~~ ear drops, or nasal spray, of any nature to students who are in
11 the custody of the school district or school at the time of
12 administration, but are not required to do so by this section, subject
13 to the following conditions:

14 (1) The board of directors of the public school district or the
15 governing board of the private school or, if none, the chief
16 administrator of the private school shall adopt policies which address
17 the designation of employees who may administer oral medications,
18 topical medications, eye drops, ~~((or))~~ ear drops, or nasal spray to
19 students, the acquisition of parent requests and instructions, and the

1 acquisition of requests from licensed health professionals prescribing
2 within the scope of their prescriptive authority and instructions
3 regarding students who require medication for more than fifteen
4 consecutive school days, the identification of the medication to be
5 administered, the means of safekeeping medications with special
6 attention given to the safeguarding of legend drugs as defined in
7 chapter 69.41 RCW, and the means of maintaining a record of the
8 administration of such medication;

9 (2) The board of directors shall seek advice from one or more
10 licensed physicians or nurses in the course of developing the foregoing
11 policies;

12 (3) The public school district or private school is in receipt of
13 a written, current and unexpired request from a parent, or a legal
14 guardian, or other person having legal control over the student to
15 administer the medication to the student;

16 (4) The public school district or the private school is in receipt
17 of (a) a written, current and unexpired request from a licensed health
18 professional prescribing within the scope of his or her prescriptive
19 authority for administration of the medication, as there exists a valid
20 health reason which makes administration of such medication advisable
21 during the hours when school is in session or the hours in which the
22 student is under the supervision of school officials, and (b) written,
23 current and unexpired instructions from such licensed health
24 professional prescribing within the scope of his or her prescriptive
25 authority regarding the administration of prescribed medication to
26 students who require medication for more than fifteen consecutive
27 workdays;

28 (5) The medication is administered by an employee designated by or
29 pursuant to the policies adopted pursuant to subsection (1) of this
30 section and in substantial compliance with the prescription of a
31 licensed health professional prescribing within the scope of his or her
32 prescriptive authority or the written instructions provided pursuant to
33 subsection (4) of this section. If a school nurse is on the premises,
34 a nasal spray that is a legend drug or a controlled substance must be
35 administered by the school nurse. If no school nurse is on the
36 premises, a nasal spray that is a legend drug or a controlled substance
37 may be administered by a trained school employee or parent-designated
38 adult who is not a school nurse. The board of directors shall allow

1 school personnel, who have received appropriate training and
2 volunteered for such training, to administer a nasal spray that is a
3 legend drug or a controlled substance. After a school employee who is
4 not a school nurse administers a nasal spray that is a legend drug or
5 a controlled substance, the employee shall summon emergency medical
6 assistance as soon as practicable;

7 (6) The medication is first examined by the employee administering
8 the same to determine in his or her judgment that it appears to be in
9 the original container and to be properly labeled; and

10 (7) The board of directors shall designate a professional person
11 licensed pursuant to chapter 18.71 RCW or chapter 18.79 RCW as it
12 applies to registered nurses and advanced registered nurse
13 practitioners, to delegate to, train, and supervise the designated
14 school district personnel in proper medication procedures.

15 (8)(a) For the purposes of this section, "parent-designated adult"
16 means a volunteer, who may be a school district employee, who receives
17 additional training from a health care professional or expert in
18 epileptic seizure care selected by the parents, and who provides care
19 for the child consistent with the individual health plan.

20 (b) To be eligible to be a parent-designated adult, a school
21 district employee not licensed under chapter 18.79 RCW must file,
22 without coercion by the employer, a voluntary written, current, and
23 unexpired letter of intent stating the employee's willingness to be a
24 parent-designated adult. If a school employee who is not licensed
25 under chapter 18.79 RCW chooses not to file a letter under this
26 section, the employee shall not be subject to any employer reprisal or
27 disciplinary action for refusing to file a letter.

28 (9) The board of directors shall designate a professional person
29 licensed under chapter 18.71, 18.57, or 18.79 RCW as it applies to
30 registered nurses and advanced registered nurse practitioners, to
31 consult and coordinate with the student's parents and health care
32 provider, and train and supervise the appropriate school district
33 personnel in proper procedures for care for students with epilepsy to
34 ensure a safe, therapeutic learning environment. Training may also be
35 provided by an epilepsy educator who is nationally certified. Parent-
36 designated adults who are school employees are required to receive the
37 training provided under this subsection. Parent-designated adults who
38 are not school employees must show evidence of comparable training.

1 The parent-designated adult must also receive additional training as
2 established in subsection (8)(a) of this section for the additional
3 care the parents have authorized the parent-designated adult to
4 provide. The professional person designated under this subsection is
5 not responsible for the supervision of the parent-designated adult for
6 those procedures that are authorized by the parents.

7 **Sec. 2.** RCW 28A.210.270 and 2012 c 16 s 2 are each amended to read
8 as follows:

9 (1) In the event a school employee administers oral medication,
10 topical medication, eye drops, (~~(ear))~~ ear drops, or nasal spray to a
11 student pursuant to RCW 28A.210.260 in substantial compliance with the
12 prescription of the student's licensed health professional prescribing
13 within the scope of the professional's prescriptive authority or the
14 written instructions provided pursuant to RCW 28A.210.260(4), and the
15 other conditions set forth in RCW 28A.210.260 have been substantially
16 complied with, then the employee, the employee's school district or
17 school of employment, and the members of the governing board and chief
18 administrator thereof shall not be liable in any criminal action or for
19 civil damages in their individual or marital or governmental or
20 corporate or other capacities as a result of the administration of the
21 medication.

22 (2) The administration of oral medication, topical medication, eye
23 drops, (~~(ear))~~ ear drops, or nasal spray to any student pursuant to RCW
24 28A.210.260 may be discontinued by a public school district or private
25 school and the school district or school, its employees, its chief
26 administrator, and members of its governing board shall not be liable
27 in any criminal action or for civil damages in their governmental or
28 corporate or individual or marital or other capacities as a result of
29 the discontinuance of such administration: PROVIDED, That the chief
30 administrator of the public school district or private school, or his
31 or her designee, has first provided actual notice orally or in writing
32 in advance of the date of discontinuance to a parent or legal guardian
33 of the student or other person having legal control over the student.

Passed by the House April 18, 2013.
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Approved by the Governor May 8, 2013.
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