

2 **SB 5920** - S AMD - 119  
3 By Senator Franklin

4 ADOPTED 3/11/95

5 Strike everything after the enacting clause and insert the  
6 following:

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

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

26 (2) The following procedures shall not be delegated: Sterile  
27 procedures; crossing the barrier of the skin; and management,  
28 manipulation, or care for intravenous devices, intravenous lines,  
29 infusion of intravenous substances, enemas, colostomy care, or dressing  
30 changes.

31 (3) Delegation shall only occur for students with a "stable and  
32 predictable" condition as defined by the Washington state nursing care  
33 quality assurance commission. In addition to this section and sections  
34 4 through 7 of this act, nurse delegation in common schools is subject  
35 to applicable provisions of law.

36 (4) In order to protect the public health and safety, at the

1 beginning of the school year public school districts and private  
2 schools that provide for delegation of nursing tasks under this section  
3 shall designate as delegates one certificated employee or one  
4 classified employee and one alternate at each school. Any delegatee  
5 shall:

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

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

11 (c) Meet all training requirements provided by the delegating nurse  
12 in accordance with protocols set by the nursing care quality assurance  
13 commission.

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

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

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

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

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

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

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

32 (1) At or under the general direction of a licensed physician and  
33 surgeon, dentist, osteopathic physician and surgeon, podiatric  
34 physician and surgeon, physician assistant, osteopathic physician  
35 assistant, or advanced registered nurse practitioner acting within the  
36 scope of his or her license, administer medications, treatments, tests,  
37 and inoculations, whether or not the severing or penetrating of tissues

1 is involved and whether or not a degree of independent judgment and  
2 skill is required except as provided in sections 4 through 7 of this  
3 act;

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

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

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

10 (~~(4)~~) (5) Hold herself or himself out to the public or designate  
11 herself or himself as a registered nurse.

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

14 (a) Define "stable and predictable" conditions as used in section  
15 1 of this act;

16 (b) Develop a clear and readable model informed consent form that  
17 substantially complies with chapter 7.70 RCW for nurses to use to  
18 provide consumers, delegateses, and the delegating nurse information  
19 regarding the delegation process, the rights of refusal by the  
20 delegatee and the consumer and/or the parents or guardian, and  
21 agreement by all parties of the delegation of the nursing task; and

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

24 (i) Thorough student assessment by the registered nurse before  
25 consideration of delegation;

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

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

31 (iv) The registered nurse evaluating the ability of the delegatee  
32 to perform the delegated nursing task in the absence of direct nurse  
33 supervision;

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

37 (vi) The registered nurse informing the delegatee that the  
38 delegated nursing task is specific to a student and is not

1 transferable;

2 (vii) The registered nurse initially observing the delegatee  
3 performing the delegated task;

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

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

9 (x) The registered nurse providing documentation of compliance or  
10 barriers to compliance in carrying out nurse delegation tasks and a  
11 written plan for nursing supervision and reevaluation of nursing tasks;  
12 and

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

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

20 (1) The registered nurse, delegatee, and student and/or student's  
21 parent or guardian must sign an informed consent form regarding the  
22 delegation process, rights of refusal, and agreement to delegation of  
23 nursing tasks.

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

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

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

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

36 (2) Registered nurses acting within the protocols of their  
37 delegation authority are immune from suit in any action, civil or

1 criminal, performed in the course of their delegation duties.

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

5 NEW SECTION. **Sec. 7.** Public and private schools are subject to  
6 nurse delegation protocols under RCW 18.79.260 and 18.79.290 and  
7 sections 5 through 7 of this act, excluding those tasks under RCW  
8 28A.210.260 and 28A.210.270.

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

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

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

17 NEW SECTION. **Sec. 10.** The department of health in consultation  
18 with the nursing care quality assurance commission, office of the  
19 superintendent of public instruction, and other interested parties  
20 shall submit a report on nurse delegation in public schools to the  
21 legislative health committees by December 1997. The office of the  
22 superintendent of public instruction shall also implement communication  
23 strategies to assure that students, parents and/or guardians, the  
24 delegating nurse, and the delegatee have a complete understanding of  
25 the delegation process and the implications of current or revised  
26 statutes and rules. The commission shall provide data on incidence of  
27 harm to the public due to the delegation of nursing tasks, reports of  
28 registered nurses being coerced to delegate, coercion of delegates to  
29 accept delegated nursing tasks, the number of students who received  
30 delegation, and the accumulated time involved in the delegation of  
31 nursing tasks. The report should include relevant information on  
32 serving health care needs to students before and after nurse  
33 delegation.

34 NEW SECTION. **Sec. 11.** Sections 1, 2, and 4 through 7 of this act

1 are each added to chapter 28A.210 RCW.

2 NEW SECTION. **Sec. 12.** Sections 1 through 3 and 5 through 7 of  
3 this act shall take effect September 1, 1996."

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7 On page 1, line 1 of the title, after "schools;" strike the  
8 remainder of the title and insert "amending RCW 18.79.260; adding new  
9 sections to chapter 28A.210 RCW; adding a new section to chapter 18.79  
10 RCW; creating new sections; and providing an effective date."

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