

---

ENGROSSED HOUSE BILL 2186

---

State of Washington

62nd Legislature

2012 Regular Session

By Representatives Bailey, Cody, Schmick, Darneille, Ahern, Green, Kelley, and Kenney

Prefiled 12/15/11. Read first time 01/09/12. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to improving the ability of licensed midwives to  
2 work with registered nurses and licensed practical nurses; and amending  
3 RCW 18.79.040, 18.79.060, 18.79.260, and 18.79.270.

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

5 **Sec. 1.** RCW 18.79.040 and 2003 c 140 s 1 are each amended to read  
6 as follows:

7 (1) "Registered nursing practice" means the performance of acts  
8 requiring substantial specialized knowledge, judgment, and skill based  
9 on the principles of the biological, physiological, behavioral, and  
10 sociological sciences in either:

11 (a) The observation, assessment, diagnosis, care or counsel, and  
12 health teaching of individuals with illnesses, injuries, or  
13 disabilities, or in the maintenance of health or prevention of illness  
14 of others;

15 (b) The performance of such additional acts requiring education and  
16 training and that are recognized by the medical and nursing professions  
17 as proper and recognized by the commission to be performed by  
18 registered nurses licensed under this chapter and that are authorized  
19 by the commission through its rules;

1 (c) The administration, supervision, delegation, and evaluation of  
2 nursing practice. However, nothing in this subsection affects the  
3 authority of a hospital, hospital district, in-home service agency,  
4 community-based care setting, medical clinic, or office, concerning its  
5 administration and supervision;

6 (d) The teaching of nursing;

7 (e) The executing of medical regimen as prescribed by a licensed  
8 physician and surgeon, dentist, osteopathic physician and surgeon,  
9 podiatric physician and surgeon, physician assistant, osteopathic  
10 physician assistant, or advanced registered nurse practitioner, or as  
11 directed by a licensed midwife within his or her scope of practice.

12 (2) Nothing in this section prohibits a person from practicing a  
13 profession for which a license has been issued under the laws of this  
14 state or specifically authorized by any other law of the state of  
15 Washington.

16 (3) This section does not prohibit (a) the nursing care of the  
17 sick, without compensation, by an unlicensed person who does not hold  
18 himself or herself out to be a registered nurse, (b) the practice of  
19 licensed practical nursing by a licensed practical nurse, or (c) the  
20 practice of a nursing assistant, providing delegated nursing tasks  
21 under chapter 18.88A RCW.

22 **Sec. 2.** RCW 18.79.060 and 1994 sp.s. c 9 s 406 are each amended to  
23 read as follows:

24 "Licensed practical nursing practice" means the performance of  
25 services requiring the knowledge, skill, and judgment necessary for  
26 carrying out selected aspects of the designated nursing regimen under  
27 the direction and supervision of a licensed physician and surgeon,  
28 dentist, osteopathic physician and surgeon, physician assistant,  
29 osteopathic physician assistant, podiatric physician and surgeon,  
30 advanced registered nurse practitioner, ~~((or))~~ registered nurse, or  
31 midwife.

32 Nothing in this section prohibits a person from practicing a  
33 profession for which a license has been issued under the laws of this  
34 state or specifically authorized by any other law of the state of  
35 Washington.

36 This section does not prohibit the nursing care of the sick,

1 without compensation, by an unlicensed person who does not hold himself  
2 or herself out to be a licensed practical nurse.

3 **Sec. 3.** RCW 18.79.260 and 2009 c 203 s 1 are each amended to read  
4 as follows:

5 (1) A registered nurse under his or her license may perform for  
6 compensation nursing care, as that term is usually understood, to  
7 individuals with illnesses, injuries, or disabilities.

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

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

21 (a) The delegating nurse shall:

22 (i) Determine the competency of the individual to perform the  
23 tasks;

24 (ii) Evaluate the appropriateness of the delegation;

25 (iii) Supervise the actions of the person performing the delegated  
26 task; and

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

29 (b) A registered nurse, working for a home health or hospice agency  
30 regulated under chapter 70.127 RCW, may delegate the application,  
31 instillation, or insertion of medications to a registered or certified  
32 nursing assistant under a plan of care.

33 (c) Except as authorized in (b) or (e) of this subsection, a  
34 registered nurse may not delegate the administration of medications.  
35 Except as authorized in (e) of this subsection, a registered nurse may  
36 not delegate acts requiring substantial skill, and may not delegate

1 piercing or severing of tissues. Acts that require nursing judgment  
2 shall not be delegated.

3 (d) 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 (e) For delegation in community-based care settings or in-home care  
11 settings, a registered nurse may delegate nursing care tasks only to  
12 registered or certified nursing assistants. Simple care tasks such as  
13 blood pressure monitoring, personal care service, diabetic insulin  
14 device set up, verbal verification of insulin dosage for sight-impaired  
15 individuals, or other tasks as defined by the nursing care quality  
16 assurance commission are exempted from this requirement.

17 (i) "Community-based care settings" includes: Community  
18 residential programs for people with developmental disabilities,  
19 certified by the department of social and health services under chapter  
20 71A.12 RCW; adult family homes licensed under chapter 70.128 RCW; and  
21 boarding homes licensed under chapter 18.20 RCW. Community-based care  
22 settings do not include acute care or skilled nursing facilities.

23 (ii) "In-home care settings" include an individual's place of  
24 temporary or permanent residence, but does not include acute care or  
25 skilled nursing facilities, and does not include community-based care  
26 settings as defined in (e)(i) of this subsection.

27 (iii) Delegation of nursing care tasks in community-based care  
28 settings and in-home care settings is only allowed for individuals who  
29 have a stable and predictable condition. "Stable and predictable  
30 condition" means a situation in which the individual's clinical and  
31 behavioral status is known and does not require the frequent presence  
32 and evaluation of a registered nurse.

33 (iv) The determination of the appropriateness of delegation of a  
34 nursing task is at the discretion of the registered nurse. Other than  
35 delegation of the administration of insulin by injection for the  
36 purpose of caring for individuals with diabetes, the administration of  
37 medications by injection, sterile procedures, and central line  
38 maintenance may never be delegated.

1 (v) When delegating insulin injections under this section, the  
2 registered nurse delegator must instruct the individual regarding  
3 proper injection procedures and the use of insulin, demonstrate proper  
4 injection procedures, and must supervise and evaluate the individual  
5 performing the delegated task weekly during the first four weeks of  
6 delegation of insulin injections. If the registered nurse delegator  
7 determines that the individual is competent to perform the injection  
8 properly and safely, supervision and evaluation shall occur at least  
9 every ninety days thereafter.

10 (vi) The registered nurse shall verify that the nursing assistant  
11 has completed the required core nurse delegation training required in  
12 chapter 18.88A RCW prior to authorizing delegation.

13 (vii) The nurse is accountable for his or her own individual  
14 actions in the delegation process. Nurses acting within the protocols  
15 of their delegation authority are immune from liability for any action  
16 performed in the course of their delegation duties.

17 (viii) Nursing task delegation protocols are not intended to  
18 regulate the settings in which delegation may occur, but are intended  
19 to ensure that nursing care services have a consistent standard of  
20 practice upon which the public and the profession may rely, and to  
21 safeguard the authority of the nurse to make independent professional  
22 decisions regarding the delegation of a task.

23 (f) The nursing care quality assurance commission may adopt rules  
24 to implement this section.

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

27 (5) Only a person licensed as a registered nurse may hold herself  
28 or himself out to the public or designate herself or himself as a  
29 registered nurse.

30 **Sec. 4.** RCW 18.79.270 and 1995 c 295 s 2 are each amended to read  
31 as follows:

32 A licensed practical nurse under his or her license may perform  
33 nursing care, as that term is usually understood, of the ill, injured,  
34 or infirm, and in the course thereof may, under the direction of a  
35 licensed physician and surgeon, osteopathic physician and surgeon,  
36 dentist, naturopathic physician, podiatric physician and surgeon,  
37 physician assistant, osteopathic physician assistant, advanced

1 registered nurse practitioner, or midwife acting under the scope of his  
2 or her license, or at the direction and under the supervision of a  
3 registered nurse, administer drugs, medications, treatments, tests,  
4 injections, and inoculations, whether or not the piercing of tissues is  
5 involved and whether or not a degree of independent judgment and skill  
6 is required, when selected to do so by one of the licensed  
7 practitioners designated in this section, or by a registered nurse who  
8 need not be physically present; if the order given is reduced to  
9 writing within a reasonable time and made a part of the patient's  
10 record. Such direction must be for acts within the scope of licensed  
11 practical nurse practice.

--- END ---