

CERTIFICATION OF ENROLLMENT

SENATE BILL 6128

Chapter 204, Laws of 2014

(partial veto)

63rd Legislature
2014 Regular Session

SCHOOL EMPLOYEES--MEDICATION ADMINISTRATION AND NURSING SERVICES

EFFECTIVE DATE: 06/12/14

Passed by the Senate March 10, 2014
YEAS 49 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 6, 2014
YEAS 95 NAYS 2

FRANK CHOPP

Speaker of the House of Representatives

Approved April 2, 2014, 4:11 p.m., with
the exception of Section 1, which is
vetoed.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of
the Senate of the State of
Washington, do hereby certify that
the attached is **SENATE BILL 6128** as
passed by the Senate and the House
of Representatives on the dates
hereon set forth.

HUNTER G. GOODMAN

Secretary

FILED

April 4, 2014

**Secretary of State
State of Washington**

SENATE BILL 6128

AS AMENDED BY THE HOUSE

Passed Legislature - 2014 Regular Session

State of Washington 63rd Legislature 2014 Regular Session

By Senators Litzow, McAuliffe, Hobbs, Dammeier, Tom, and Mullet

Read first time 01/16/14. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to the delivery of medication and services by
2 unlicensed school employees; amending RCW 4.24.300; adding a new
3 section to chapter 28A.210 RCW; and creating a new section.

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

5 ****NEW SECTION. Sec. 1. Students in public schools are bringing more***
6 ***health conditions to school at the same time school districts are***
7 ***reducing nursing services. As a result, school districts are becoming***
8 ***more dependent upon unlicensed, minimally trained, and many times***
9 ***unwilling classified employees to provide these services.***

10 ***Over the years, unlicensed employees have sought and received***
11 ***legislative approval for protections from employer reprisal if they***
12 ***refuse to deliver nursing services and liability protections if they***
13 ***provide nursing services that harm a student. It is clear that***
14 ***unlicensed employees will be expected to deliver new medications and***
15 ***nursing services not currently recognized in state law to students in***
16 ***the future.***

**Sec. 1 was vetoed. See message at end of chapter.*

17 **NEW SECTION. Sec. 2.** A new section is added to chapter 28A.210
18 RCW to read as follows:

1 (1) Beginning July 1, 2014, a school district employee not licensed
2 under chapter 18.79 RCW who is asked to administer medications or
3 perform nursing services not previously recognized in law shall at the
4 time he or she is asked to administer the medication or perform the
5 nursing service file, without coercion by the employer, a voluntary
6 written, current, and unexpired letter of intent stating the employee's
7 willingness to administer the new medication or nursing service. It is
8 understood that the letter of intent will expire if the conditions of
9 acceptance are substantially changed. If a school employee who is not
10 licensed under chapter 18.79 RCW chooses not to file a letter under
11 this section, the employee is not subject to any employer reprisal or
12 disciplinary action for refusing to file a letter.

13 (2) In the event a school employee provides the medication or
14 service to a student in substantial compliance with (a) rules adopted
15 by the state nursing care quality assurance commission and the
16 instructions of a registered nurse or advanced registered nurse
17 practitioner issued under such rules, and (b) written policies of the
18 school district, then the employee, the employee's school district or
19 school of employment, and the members of the governing board and chief
20 administrator thereof are not liable in any criminal action or for
21 civil damages in his or her individual, marital, governmental,
22 corporate, or other capacity as a result of providing the medication or
23 service.

24 (3) The board of directors shall designate a professional person
25 licensed under chapter 18.71, 18.57, or 18.79 RCW as it applies to
26 registered nurses and advanced registered nurse practitioners to
27 consult and coordinate with the student's parents and health care
28 provider, and train and supervise the appropriate school district
29 personnel in proper procedures to ensure a safe, therapeutic learning
30 environment. School employees must receive the training provided under
31 this subsection before they are authorized to deliver the service or
32 medication. Such training must be provided, where necessary, on an
33 ongoing basis to ensure that the proper procedures are not forgotten
34 because the services or medication are delivered infrequently.

35 **Sec. 3.** RCW 4.24.300 and 2004 c 87 s 1 are each amended to read as
36 follows:

37 (1) Any person, including but not limited to a volunteer provider

1 of emergency or medical services, who without compensation or the
2 expectation of compensation renders emergency care at the scene of an
3 emergency or who participates in transporting, not for compensation,
4 therefrom an injured person or persons for emergency medical treatment
5 shall not be liable for civil damages resulting from any act or
6 omission in the rendering of such emergency care or in transporting
7 such persons, other than acts or omissions constituting gross
8 negligence or willful or wanton misconduct. Any person rendering
9 emergency care during the course of regular employment and receiving
10 compensation or expecting to receive compensation for rendering such
11 care is excluded from the protection of this subsection.

12 (2) Any licensed health care provider regulated by a disciplining
13 authority under RCW 18.130.040 in the state of Washington who, without
14 compensation or the expectation of compensation, provides health care
15 services at a community health care setting is not liable for civil
16 damages resulting from any act or omission in the rendering of such
17 care, other than acts or omissions constituting gross negligence or
18 willful or wanton misconduct.

19 (3) For purposes of subsection (2) of this section, "community
20 health care setting" means an entity that provides health care services
21 and:

22 (a) Is a clinic operated by a public entity or private tax exempt
23 corporation, except a clinic that is owned, operated, or controlled by
24 a hospital licensed under chapter 70.41 RCW unless the hospital-based
25 clinic either:

26 (i) Maintains and holds itself out to the public as having
27 established hours on a regular basis for providing free health care
28 services to members of the public to the extent that care is provided
29 without compensation or expectation of compensation during those
30 established hours; or

31 (ii) Is participating, through a written agreement, in a community-
32 based program to provide access to health care services for uninsured
33 persons, to the extent that:

34 (A) Care is provided without compensation or expectation of
35 compensation to individuals who have been referred for care through
36 that community-based program; and

37 (B) The health care provider's participation in the community-based

1 program is conditioned upon his or her agreement to provide health
2 services without expectation of compensation;

3 (b) Is a for-profit corporation that maintains and holds itself out
4 to the public as having established hours on a regular basis for
5 providing free health care services to members of the public to the
6 extent that care is provided without compensation or expectation of
7 compensation during those established hours; or

8 (c) Is a for-profit corporation that is participating, through a
9 written agreement, in a community-based program to provide access to
10 health care services for uninsured persons, to the extent that:

11 (i) Care is provided without compensation or expectation of
12 compensation to individuals who have been referred for care through
13 that community-based program; and

14 (ii) The health care provider's participation in the community-
15 based program is conditioned upon his or her agreement to provide
16 health services without expectation of compensation.

17 (4) Any school district employee not licensed under chapter 18.79
18 RCW who renders emergency care at the scene of an emergency during an
19 officially designated school activity or who participates in
20 transporting therefrom an injured person or persons for emergency
21 medical treatment shall not be liable for civil damages resulting from
22 any act or omission in the rendering of such emergency care or in
23 transporting such persons, other than acts or omissions constituting
24 gross negligence or willful or wanton misconduct.

Passed by the Senate March 10, 2014.

Passed by the House March 6, 2014.

Approved by the Governor April 2, 2014, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State April 4, 2014.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 1, Senate
Bill No. 6128 entitled:

"AN ACT Relating to the delivery of medication and services by
unlicensed school employees."

This legislation provides important guidance for school districts
with regards to school employees assisting with nursing services and
delivery of medications.

Section 1 is an intent section that discusses various experiences of
school nurses and other employees, and is not necessary to interpret
or implement the substantive provisions of the bill.

For these reasons I have vetoed Section 1 of Senate Bill No. 6128.

With the exception of Section 1, Senate Bill No. 6128 is approved."