



## WACs

### **Washington Administrative Code**

- Regulations of executive branch agencies
  - Issued by authority of statutes
  - A source of primary law in Washington State
    - Similar to legislation and the Constitution
  - Codifies regulations
    - <http://apps.leg.wa.gov/wac/>

\* Source: Katie Johnson, MN, RN-BC.  
\* NCSN - OSPI # 4

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## Administrative Agencies

<h3><u>Health Law</u></h3> <ul style="list-style-type: none"> <li>◦ RCW           <ul style="list-style-type: none"> <li>• RCW 18.79 Nursing Care</li> <li>• RCW 70 Public Health &amp; Safety</li> </ul> </li> <li>◦ WAC           <ul style="list-style-type: none"> <li>• WAC 246 Department of Health</li> <li>• WAC 296 Labor &amp; Industries (BBP)</li> </ul> </li> <li>◦ Department of Health           <ul style="list-style-type: none"> <li>• Nursing Care Quality Assurance Commission</li> </ul> </li> </ul>	<h3><u>Education Law</u></h3> <ul style="list-style-type: none"> <li>◦ RCW           <ul style="list-style-type: none"> <li>• RCW 28A Common School Provisions</li> </ul> </li> <li>◦ WAC           <ul style="list-style-type: none"> <li>• WAC 392 Public Instruction</li> <li>• WAC 181-79A Teacher Standards</li> </ul> </li> <li>◦ Office of the Superintendent of Public Instruction (OSPI)           <ul style="list-style-type: none"> <li>• Student Support               <ul style="list-style-type: none"> <li>◦ Health Services</li> </ul> </li> </ul> </li> </ul>
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\* Source: Katie Johnson, MN, RN-BC.  
\* NCSN - OSPI # 5

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## Health Practice Requirements

- Nurse Practice Act – Chapter 18.79 RCW
  - <http://apps.leg.wa.gov/RCW/default.aspx?cite=18.79>
  - Functions of a registered nurse and licensed practical nurse
    - <http://apps.leg.wa.gov/WAC/default.aspx?cite=246-840-705>
- Nursing Commission
  - <http://www.doh.wa.gov/LicensesPermitsandCertificates/NursingCommission.aspx>
  - Laws related to nursing
    - <http://www.doh.wa.gov/LicensesPermitsandCertificates/NursingCommission/Laws.aspx>

\* Source: Katie Johnson, MN, RN-BC.  
\* NCSN - OSPI # 6

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## Health Law

- Department of Health Title 246 WAC
  - <http://apps.leg.wa.gov/wac/default.aspx?cite=246>
  - Communicable Diseases (notifiable conditions; immunizations; contagious disease)
  - Parent / Child Health (Auditory and vision; standards)
  - Professional Standards and Licensing
- Immunization Chapter 246-105 WAC
  - <http://apps.leg.wa.gov/WAC/default.aspx?cite=246-105&full=true>
- Public Health & Safety Title 70 RCW
  - <http://apps.leg.wa.gov/rcw/default.aspx?Cite=70>
  - Medical Records
    - <http://apps.leg.wa.gov/rcw/default.aspx?cite=70.02>
- Children with Special Health Care Needs Chapter 246-71- WAC Coordinated Children's Services
  - <http://apps.leg.wa.gov/wac/default.aspx?cite=246-710>

\* Source: Katie Johnson, MN, RN-BC,  
NCSN - OSPI

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## Education Practice Requirements

- ESA Certification **Chapter 181-79A WAC**
  - [181-79A-223](#) Academic and experience requirements for certification -- School nurse, school occupational therapist, school physical therapist, school speech-language pathologist or audiologist, or school social worker.
  - [181-79A-226](#) Issues of abuse course work requirement for continuing or professional certification -- Educational staff associate
    - <http://apps.leg.wa.gov/wac/default.aspx?cite=181-79A>

\* Source: Katie Johnson, MN, RN-BC,  
NCSN - OSPI

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## Education Law

- Education Law – Title 28A RCW Common School Provisions
  - <http://apps.leg.wa.gov/rcw/default.aspx?cite=28A>
  - Chapter 28A.225 RCW
    - <http://apps.leg.wa.gov/RCW/default.aspx?cite=28A.225>
- Health – screening and requirements Chapter 28A.210 RCW
  - <http://apps.leg.wa.gov/rcw/default.aspx?cite=28A.210>
- Rules for Special Education
  - <http://apps.leg.wa.gov/WAC/default.aspx?cite=392-172A>
  - WAC 392-172A – 01155 Related Services (definition)
  - FAPE
  - Personnel Qualifications **WAC 392-172A-02090**
    - <http://apps.leg.wa.gov/WAC/default.aspx?cite=392-172A-02090>

\* Source: Katie Johnson, MN, RN-BC,  
NCSN - OSPI

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## Documentation

- RCW 246L.840.700 Standards of Nursing Practice - RN & LPN
  - Shall communicate significant changes in the client's status to appropriate members of the health care team.
  - In a timely manner
  - Shall document, on essential client records, the nursing care given and the client's response to that care
- RCW 70.02 Medical Records
  - <http://apps.leg.wa.gov/rcw/default.aspx?cite=70.02>

Source: Katie Johnson, MN, RN-BC,  
NCSN - OSPI

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## Documentation Privacy

- FERPA governs the privacy of student information
  - Health records become education records when transferred to school.
- Covers Personally Identifiable Information
- Applies to all agencies that receive federal funds
- Must have written permission to disclose

Source: Katie Johnson, MN, RN-BC,  
NCSN - OSPI

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## FERPA

- Exceptions:
  - Legitimate educational interest
  - Transferring schools
  - Audit/evaluation
  - Judicial order
  - Health & safety emergency
    - <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>
- Resource: Guidelines for Handling Health Care Information in School Records

Source: Katie Johnson, MN, RN-BC,  
NCSN - OSPI

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## Staff Model

- Recommended Staffing
  - **ESA Certificated School Nurses** – responsible for 1500 student caseload; determining acuity level; delegating care to RNs, LPNs, UAPs; training and supervision of staff; SpEd evaluations; IHPs and health 504 plans; health education; surveillance of health and safety of building; immunization monitoring; caseload management; care coordination.
  - **RNs & LPNs** – Based on student severity coding. LPNs need supervision by RN, MD or LHCP
  - **Health Room Asst** – special training to assist in health room; supervised by RN; especially staffing for high use time. Elementary 0.1 FTE/100 students; Secondary 0.1 FTE/200 students. Needs weekly face-to-face time with RN
  - **Clerical Staff** – clerical duties; data entry; managing health forms & immunizations

\* Source: Katie Johnson, MN, RN-BC, NCSN - OSPI

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## Medications

- RCW 18.79.260 Registered Nurse
- Under the general direction of a licensed physician and surgeon, dentist, osteopathic physician and surgeon, naturopathic physician, optometrist, podiatric physician and surgeon, physician assistant, osteopathic physician assistant, or advanced registered nurse practitioner
- Administer medications, treatments, tests, and inoculations including:
  - Severing or penetrating of tissues
  - Independent judgment and skill

\* Source: Katie Johnson, MN, RN-BC, NCSN - OSPI

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## Delegation

- "3) A **registered nurse** may delegate tasks of nursing care to other individuals where the registered nurse determines that it is in the best interest of the patient.
- (a) The delegating nurse shall:
- (i) Determine the competency of the individual to perform the tasks;
  - (ii) Evaluate the appropriateness of the delegation;
  - (iii) Supervise the actions of the person performing the delegated task; and
  - (iv) Delegate only those tasks that are within the registered nurse's scope of practice.

• RCW 18.79.260

\* Source: Katie Johnson, MN, RN-BC, NCSN - OSPI

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## Delegation

- RCW 18.79.260
- The following may not be delegated
  - Acts requiring substantial skill
  - Piercing or severing of tissues
  - Acts that require nursing judgment
- Nurses cannot be coerced to delegate

Source: Katie Johnson, MN, RN-BC, NCSN - OSPI

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## Scope of Practice Decision Tree

- Describes RN Scope of Practice
  - Assessment, nursing diagnosis, setting goals, planning care strategies, implementing care, delegating care to qualified others, supervising, evaluating, teaching, managing care, maintaining client safety, collaborating with other health care members.
- Guides decision on interventions within scope – including delegation
  - <http://www.doh.wa.gov/Portals/1/Documents/Pubs/609305.pdf>

Source: Katie Johnson, MN, RN-BC, NCSN - OSPI

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## Life Threatening Conditions

- WAC 392-380-045
- Attendance conditioned on presentation of
  - Medication or treatment order
  - Nursing plan to implement order
  - Medication provided by parent to carry out the order
- Exclusion by written notice; with provisions for hearing if a dispute

Source: Katie Johnson, MN, RN-BC, NCSN - OSPI

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## Anaphylaxis (Allergies)

- Anaphylaxis – Policy Guidelines – Procedures – Reports  
RCW 28A.210.380.
  - Prevention
  - Care
    - Procedure to treat anaphylaxis
    - Content for training for school personnel
    - Communication plan
    - Strategies to reduce risk
- Life Threatening Health Conditions
  - RCW 28A.219.320; WAC 392-380-005-080; OSPI Bulletin B061-02
- Provisions to self carry
  - RCW 28A.210.380
- Special Dietary Needs USDA Regulations
  - multiple sections

Source: Katie Johnson, MN, RN-BC,  
NCSN - OSPI # 19

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## Type I Diabetes

- RCW 28A.210.330 Students with Diabetes
- Requires Individual health plans including
  - Parent requests
  - LHCP orders
  - Storage of medical equipment provided by parents
  - Provisions for testing & treating blood sugar
  - Accommodations for eating
  - Scheduling information
  - Care by Parent Designated Adults
  - Consultation with RN or ARNP for coordination, training & supervision

Source: Katie Johnson, MN, RN-BC,  
NCSN - OSPI # 20

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## Asthma

- **RCW 28A.210.370**
- Uniform policy for training of school staff
- Policies for rescue
- Provisions for self – administration
  - HCP approval and orders
  - RN at school approval
  - Written treatment plan for care at school
  - Proper use demonstrated
- Provisions for all school activities
- Provisions for backup medication

Source: Katie Johnson, MN, RN-BC,  
NCSN - OSPI # 21

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## Medical Marijuana

RCW 69.51A.060

- (1) It shall be a misdemeanor to use or display medical marijuana in a manner or place which is open to the view of the general public.
- (4) Nothing in this chapter requires any accommodation of any on-site medical use of marijuana ...in any school bus or on any school grounds, in any youth center... or smoking medical marijuana in any public place ...

<http://apps.leg.wa.gov/RCW/default.aspx?cite=69.51A>.

\* Source: Katie Johnson, MN, RN-BC,  
NCSN - OSPI

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## Medical Marijuana

- "... a district that allows marijuana on school grounds puts its Title I and any other federal funding at risk.
- Any school nurse or other staff person who administers medical marijuana, even to a "qualified patient" under Washington law, would risk criminal prosecution under federal law.
- The same would be true of staff members and students who possessed marijuana at school."

Heidi Maynard WSSDA Newsletter, October 2012

\* Source: Katie Johnson, MN, RN-BC,  
NCSN - OSPI

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## Blood Borne Pathogens

- RCW 70.24.290 HIV Instruction for PS Employees
- WAC 296-823 Occupational exposure to bloodborne pathogens
- WAC 392-198
- WAC 296-802; 296-27 Records and reporting
  - OSPI Guidelines for Training on HIV /AIDS & BBP  
<http://www.k12.wa.us/HealthServices/subdocs/GuidelinesHIVBloodborne.pdf>
- Department of Labor and Industries
  - Employees with potential exposure
    - Identification
    - Training
    - Control of exposure
    - Personal Protection Equipment
    - Hepatitis B Vaccine provision at no cost to employee
    - Examples of vulnerable employees at Dept of L&I  
<http://www.lni.wa.gov/Safety/Topics/Atoz/default.asp?KWID=39>

\* Source: Katie Johnson, MN, RN-BC,  
NCSN - OSPI

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## Head Injury / TBI

- RCW 28A.600 amended by HB 1824 Youth Sports – Head Injury Policies(Lysted law)
- OSPI Bulletin 043-09M Head Injury
- Requires statement of compliance with policies to manage concussion and head injury.
- Remove youth athlete from play with suspected concussion or head injury
  - Until evaluation by LHCP trained in management of concussion
  - Written clearance required
- Collaborate with WIAA on forms
- Annual information fact sheet to parents/athletes
  - <http://www.leg.wa.gov/pub/billinfo/2009-10/Pdf/Bills/Session%20Law%202009/1824.SL.pdf>

Source: Katie Johnson, MN, RN-BC,  
NCSN - OSPI

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## Legal Terms

- Negligence
- Malpractice
- Liability
- Standard of Care

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## Malpractice

- Dereliction of professional duty
- Failure to provide same care

Source: Katie Johnson, MN, RN-BC,  
NCSN - OSPI

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## Negligence

- 4 elements
  - Duty
  - Breach of duty
  - Proximate cause
  - Damages

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## Liability

- Preponderance of evidence points to culpability

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## Standard of Care

- National
  - NASN
  - ANA Code
  - Publications

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## Standard of Care

- State - Nurse Practice Act
- Local
  - Job description
  - Board of Education Policies & Procedures
  - Nursing Policies & Procedures

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## Potential Causes of Liability

- Inappropriate delegation
- Failure to observe & report changes
- Failure to document accurately
- Alteration of records
- Failure to keep current
- Failure to function within established policies/  
scope

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## Potential Causes of Liability

- Failure to administer medications properly
- Abandonment
- Failure to resuscitate promptly & properly

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## Strategies

- Interpersonal skills
- Know standards/laws
- Update policies
- Stay current
- Document accurately & thoroughly
- Document concerns
- Educate consumers

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## Age of Consent

- HIV - 14 years
- STD - 14 years
- Drug, alcohol abuse (outpatient) - 13 years
- Chemical dependency tx (residential) - 18 years
- Mental health (outpatient) - 13 years
- Birth control, abortion - no age limit, student's consent is required

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## Questions??

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