
HOUSE BILL 1124

State of Washington

67th Legislature

2021 Regular Session

By Representative Cody

Prefiled 01/08/21.

1 AN ACT Relating to nurse delegation of glucose monitoring,
2 glucose testing, and insulin injections; amending RCW 18.79.260;
3 reenacting and amending RCW 18.79.260; providing an effective date;
4 and providing an expiration date.

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

6 **Sec. 1.** RCW 18.79.260 and 2012 c 164 s 407, 2012 c 13 s 3, and
7 2012 c 10 s 37 are each reenacted and amended to read as follows:

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

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

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

4 (a) The delegating nurse shall:

5 (i) Determine the competency of the individual to perform the
6 tasks;

7 (ii) Evaluate the appropriateness of the delegation;

8 (iii) Supervise the actions of the person performing the
9 delegated task; and

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

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

16 (c) Except as authorized in (b) or (e) of this subsection, a
17 registered nurse may not delegate the administration of medications.
18 Except as authorized in (e) of this subsection, a registered nurse
19 may not delegate acts requiring substantial skill, and may not
20 delegate piercing or severing of tissues. Acts that require nursing
21 judgment shall not be delegated.

22 (d) No person may coerce a nurse into compromising patient safety
23 by requiring the nurse to delegate if the nurse determines that it is
24 inappropriate to do so. Nurses shall not be subject to any employer
25 reprisal or disciplinary action by the nursing care quality assurance
26 commission for refusing to delegate tasks or refusing to provide the
27 required training for delegation if the nurse determines delegation
28 may compromise patient safety.

29 (e) (~~For~~) The delegation (~~(in community-based care settings or~~
30 ~~in-home care settings, a registered nurse may delegate)~~) of nursing
31 care tasks only to registered or certified nursing assistants under
32 chapter 18.88A RCW or to home care aides certified under chapter
33 18.88B RCW may include glucose monitoring and testing. Simple care
34 tasks such as blood pressure monitoring, personal care service,
35 diabetic insulin device set up, verbal verification of insulin dosage
36 for sight-impaired individuals, or other tasks as defined by the
37 nursing care quality assurance commission are exempted from this
38 requirement.

39 (i) "Community-based care settings" includes: Community
40 residential programs for people with developmental disabilities,

1 certified by the department of social and health services under
2 chapter 71A.12 RCW; adult family homes licensed under chapter 70.128
3 RCW; and assisted living facilities licensed under chapter 18.20 RCW.
4 Community-based care settings do not include acute care or skilled
5 nursing facilities.

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

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

16 (iv) The determination of the appropriateness of delegation of a
17 nursing task is at the discretion of the registered nurse. Other than
18 delegation of the administration of insulin by injection for the
19 purpose of caring for individuals with diabetes, the administration
20 of medications by injection, sterile procedures, and central line
21 maintenance may never be delegated.

22 (v) When delegating insulin injections under this section, the
23 registered nurse delegator must instruct the individual regarding
24 proper injection procedures and the use of insulin, demonstrate
25 proper injection procedures, and must supervise and evaluate the
26 individual performing the delegated task (~~(weekly during the first
27 four weeks of delegation of insulin injections)~~) as required by the
28 commission. If the registered nurse delegator determines that the
29 individual is competent to perform the injection properly and safely,
30 supervision and evaluation shall occur at (~~(least every ninety days
31 thereafter)~~) an interval determined by the commission.

32 (vi) (A) The registered nurse shall verify that the nursing
33 assistant or home care aide, as the case may be, has completed the
34 required core nurse delegation training required in chapter 18.88A or
35 18.88B RCW prior to authorizing delegation.

36 (B) Before commencing any specific nursing tasks authorized to be
37 delegated in this section, a home care aide must be certified
38 pursuant to chapter 18.88B RCW and must comply with RCW 18.88B.070.

39 (vii) The nurse is accountable for his or her own individual
40 actions in the delegation process. Nurses acting within the protocols

1 of their delegation authority are immune from liability for any
2 action performed in the course of their delegation duties.

3 (viii) Nursing task delegation protocols are not intended to
4 regulate the settings in which delegation may occur, but are intended
5 to ensure that nursing care services have a consistent standard of
6 practice upon which the public and the profession may rely, and to
7 safeguard the authority of the nurse to make independent professional
8 decisions regarding the delegation of a task.

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

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

13 (5) Only a person licensed as a registered nurse may hold herself
14 or himself out to the public or designate herself or himself as a
15 registered nurse.

16 **Sec. 2.** RCW 18.79.260 and 2020 c 80 s 18 are each amended to
17 read as follows:

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

21 (2) A registered nurse may, at or under the general direction of
22 a licensed physician and surgeon, dentist, osteopathic physician and
23 surgeon, naturopathic physician, optometrist, podiatric physician and
24 surgeon, physician assistant, advanced registered nurse practitioner,
25 or midwife acting within the scope of his or her license, administer
26 medications, treatments, tests, and inoculations, whether or not the
27 severing or penetrating of tissues is involved and whether or not a
28 degree of independent judgment and skill is required. Such direction
29 must be for acts which are within the scope of registered nursing
30 practice.

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

34 (a) The delegating nurse shall:

35 (i) Determine the competency of the individual to perform the
36 tasks;

37 (ii) Evaluate the appropriateness of the delegation;

38 (iii) Supervise the actions of the person performing the
39 delegated task; and

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

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

7 (c) Except as authorized in (b) or (e) of this subsection, a
8 registered nurse may not delegate the administration of medications.
9 Except as authorized in (e) of this subsection, a registered nurse
10 may not delegate acts requiring substantial skill, and may not
11 delegate piercing or severing of tissues. Acts that require nursing
12 judgment shall not be delegated.

13 (d) No person may coerce a nurse into compromising patient safety
14 by requiring the nurse to delegate if the nurse determines that it is
15 inappropriate to do so. Nurses shall not be subject to any employer
16 reprisal or disciplinary action by the nursing care quality assurance
17 commission for refusing to delegate tasks or refusing to provide the
18 required training for delegation if the nurse determines delegation
19 may compromise patient safety.

20 (e) (~~For~~) The delegation (~~(in community-based care settings or~~
21 ~~in-home care settings, a registered nurse may delegate)~~) of nursing
22 care tasks only to registered or certified nursing assistants under
23 chapter 18.88A RCW or to home care aides certified under chapter
24 18.88B RCW may include glucose monitoring and testing. Simple care
25 tasks such as blood pressure monitoring, personal care service,
26 diabetic insulin device set up, verbal verification of insulin dosage
27 for sight-impaired individuals, or other tasks as defined by the
28 nursing care quality assurance commission are exempted from this
29 requirement.

30 (i) "Community-based care settings" includes: Community
31 residential programs for people with developmental disabilities,
32 certified by the department of social and health services under
33 chapter 71A.12 RCW; adult family homes licensed under chapter 70.128
34 RCW; and assisted living facilities licensed under chapter 18.20 RCW.
35 Community-based care settings do not include acute care or skilled
36 nursing facilities.

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

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

7 (iv) The determination of the appropriateness of delegation of a
8 nursing task is at the discretion of the registered nurse. Other than
9 delegation of the administration of insulin by injection for the
10 purpose of caring for individuals with diabetes, the administration
11 of medications by injection, sterile procedures, and central line
12 maintenance may never be delegated.

13 (v) When delegating insulin injections under this section, the
14 registered nurse delegator must instruct the individual regarding
15 proper injection procedures and the use of insulin, demonstrate
16 proper injection procedures, and must supervise and evaluate the
17 individual performing the delegated task (~~((weekly during the first
18 four weeks of delegation of insulin injections))~~) as required by the
19 commission. If the registered nurse delegator determines that the
20 individual is competent to perform the injection properly and safely,
21 supervision and evaluation shall occur at (~~((least every ninety days
22 thereafter))~~) an interval determined by the commission.

23 (vi) (A) The registered nurse shall verify that the nursing
24 assistant or home care aide, as the case may be, has completed the
25 required core nurse delegation training required in chapter 18.88A or
26 18.88B RCW prior to authorizing delegation.

27 (B) Before commencing any specific nursing tasks authorized to be
28 delegated in this section, a home care aide must be certified
29 pursuant to chapter 18.88B RCW and must comply with RCW 18.88B.070.

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

34 (viii) Nursing task delegation protocols are not intended to
35 regulate the settings in which delegation may occur, but are intended
36 to ensure that nursing care services have a consistent standard of
37 practice upon which the public and the profession may rely, and to
38 safeguard the authority of the nurse to make independent professional
39 decisions regarding the delegation of a task.

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

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

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

8 NEW SECTION. **Sec. 3.** Section 1 of this act expires July 1,
9 2022.

10 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect July 1,
11 2022.

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