

Stricken language would be deleted from and underlined language would be added to present law.  
Act 414 of the Regular Session

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

*As Engrossed: H3/6/13*

# A Bill

HOUSE BILL 1411

5 By: Representative Mayberry  
6 By: Senator Elliott  
7

## For An Act To Be Entitled

9 AN ACT TO PROTECT THE HEALTH AND WELL-BEING OF  
10 STUDENTS IN PUBLIC SCHOOLS BY ENSURING ADEQUATE AND  
11 APPROPRIATE HEALTH CARE WORKERS ON SITE TO ATTEND TO  
12 STUDENTS' NEEDS; AND FOR OTHER PURPOSES.  
13  
14

### Subtitle

15 TO PROTECT THE HEALTH AND WELL-BEING OF  
16 STUDENTS IN PUBLIC SCHOOLS BY ENSURING  
17 ADEQUATE AND APPROPRIATE HEALTH CARE  
18 WORKERS ON SITE TO ATTEND TO STUDENTS'  
19 NEEDS.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

25 SECTION 1. FINDINGS. The General Assembly finds that:

26 (1) A major goal of public education is to assist all students  
27 in reaching their full academic potential. In this regard, school nurses:

28 (A) Are instrumental in the early detection of health  
29 problems that can interfere with learning or that lead to more serious or  
30 disabling health conditions;

31 (B) Prevent disease by teaching and encouraging healthy  
32 lifestyles and habits that have lifelong implications for children and their  
33 families;

34 (C) Provide valuable health services including  
35 administering medications and care management necessary for students who have  
36 chronic or episodic health conditions and disabilities;

\*CLR032\*

1 (D) Care for students who incur injuries at school  
 2 including injuries that require medical attention;

3 (E) Assist families and students in accessing health care  
 4 and community health services; and

5 (F) Provide direct health services and professional advice  
 6 to teachers and staff members regarding health problems and concerns;

7 (2) Schools are being asked to play an increasingly expanded  
 8 role in protecting the health of our children. In this regard, school nurses:

9 (A) Are responsible for monitoring the immunization of  
 10 children, evaluating hearing and vision of children, screening for scoliosis,  
 11 and providing appropriate referrals for positive findings;

12 (B) Apply the nursing process of assessment, planning,  
 13 intervention, and evaluation to implement medically-ordered treatments so  
 14 that chronically ill children are able to attend school;

15 (C) Administer prescription medications required to be  
 16 given to children during the school day;

17 (D) Identify and report child abuse;

18 (E) Identify drug and alcohol problems;

19 (F) Provide counseling and assistance for teenage parents;

20 (G) Provide HIV/AIDS education; and

21 (H) Respond to emergency situations in which students must  
 22 be assessed and in which emergency medications are often required;

23 (3) There is a shortage of funded professional registered nurse  
 24 positions in schools resulting in the disparity of on-campus health care  
 25 services being provided to students; and

26 (4) A study should be conducted concerning the provision of  
 27 better on-campus health care services for Arkansas public school children to  
 28 inform the General Assembly so that it may determine the best policy for the  
 29 state.

30  
 31 SECTION 2. Arkansas Code title 6, Chapter 18, Subchapter 7, is amended  
 32 to add an additional section to read as follows:

33 6-18-709. Public School Health Services Advisory Committee.

34 (a)(1) There is created a Public School Health Services Advisory  
 35 Committee to consist of *nineteen (19)* members.

36 (2) The Director of the Department of Health shall appoint:

- 1                   (A) One (1) member to represent the Department of Health;  
2                   (B) One (1) member to represent the Arkansas State Board  
3 of Nursing;  
4                   (C) One (1) member to represent the Arkansas Center for  
5 Health Improvement;  
6                   (D) One (1) member to represent the Department of Health,  
7 Child and Adolescent Health; and  
8                   (E) One (1) member to represent the Department of Health,  
9 Office of Minority Health and Health Disparities.  
10                  (3) The Commissioner of Education shall appoint:  
11                   (A) Five (5) members to represent the Department of  
12 Education as follows:  
13                   (i) One (1) member from the Office of Legal  
14 Services;  
15                   (ii) One (1) member from the Division of Fiscal and  
16 Administrative Services;  
17                   (iii) One (1) member from the Division of Learning  
18 Services Division, Special Education Unit;  
19                   (iv) One (1) member from the Division of Learning  
20 Services, Coordinated School Health Unit, Health Services; and  
21                   (v) One (1) member from Division of Learning  
22 Services, Coordinated School Health Unit, School Based Mental Health;  
23                   (B) One (1) member to represent the Arkansas School Nurse  
24 Association;  
25                   (C) One (1) member to represent the Arkansas Association  
26 of Educational Administrators;  
27                   (D) One (1) member to represent the Arkansas School Boards  
28 Association;  
29                   (E) One (1) member to represent the Arkansas Educators  
30 Association;  
31                   (F) One (1) member who is a public school principal;  
32                   (G)(i) Two (2) members each of whom is the parent of a  
33 child with special health care needs.  
34                   (ii) A parent appointed under this subdivision shall  
35 not be an employee of:  
36                   (a) The Department of Health;

1 (b) The Department of Education; or

2 (c) A school district;

3 (H) One (1) member to represent the Arkansas Rural  
4 Education Association; and

5 (I) One (1) member to represent the Arkansas Advocates for  
6 Children and Families.

7 (4) The term of the Public School Health Services Advisory  
8 Committee shall expire on December 31, 2014.

9 (5) If a vacancy occurs, the officer who made the original  
10 appointment shall appoint a person who represents the same constituency as  
11 the member being replaced.

12 (6)(A) The commissioner shall designate one (1) of the members  
13 as the chair of the first meeting.

14 (B) The chair shall call the first meeting of the Public  
15 School Health Services Advisory Committee.

16 (C) At the first meeting, the Public School Health  
17 Services Advisory Committee shall elect one (1) of its members to act as  
18 chair for a term of one (1) year.

19 (7)(A) A majority of the members shall constitute a quorum for  
20 the transaction of business.

21 (B) All members are voting members except the chair, who  
22 shall vote only to break a tie vote.

23 (8)(A) The Public School Health Services Advisory Committee  
24 shall meet at least once every quarter.

25 (B) Meetings may be conducted in whole or in part through  
26 the use of live conferencing technology, including without limitation, video,  
27 telephone, or Internet conferencing technology.

28 (9) The Department of Education shall provide office space and  
29 staff for the Public School Health Services Advisory Committee.

30 (10) Members of the Public School Health Services Advisory  
31 Committee shall serve without pay but may receive expense reimbursement in  
32 accordance with § 25-16-902 if funds are available.

33 (b) The Public School Health Services Advisory Committee shall conduct  
34 a one-year study to consider without limitation the following:

35 (1) The on-campus health care needs of public school students;

36 (2) Who is providing those on-campus health care services,

1 including without limitation the extent to which those services are provided  
2 by:

3 (A) Registered nurses;

4 (B) Other health care providers; and

5 (C) Other school personnel;

6 (3) The extent to which public school students do not receive  
7 the needed on-campus health care services identified by the Public School  
8 Health Services Advisory Committee;

9 (4) The availability and condition of existing facilities and  
10 equipment at public schools for providing these services, including without  
11 limitation:

12 (A) School nurse office space with privacy, file storage,  
13 telephone connection, heat, and air conditioning;

14 (B) Medication storage including without limitation  
15 refrigeration and locked cabinets;

16 (C) Plumbing facilities for use by school nurses,  
17 including sinks, hot and cold running water, and toilets; and

18 (D) Computer and internet access for:

19 (i) Medical records; and

20 (ii) Reporting on the Arkansas Public School  
21 Computer Network;

22 (5) The cost of providing needed on-campus health care services  
23 and the funds available to a school district for that purpose; and

24 (6) School nurse health care related duties and non-health care  
25 related duties.

26 (c) Upon completion of the study, the Public School Health Services  
27 Advisory Committee shall develop guidelines for the:

28 (1) Number of full-time nurses needed, including without  
29 limitation whether or not each school campus should have a minimum of one (1)  
30 full-time registered nurse;

31 (2) Educational level and licensure level of a school nurse;

32 (3) Job requirements of a school nurse, including without  
33 limitation guidelines concerning job duties that are non-health care related;

34 (4) Salary level for school nurses;

35 (5) Types of on-campus health care services, if any, that may be  
36 performed by personnel other than the school nurse;

1           (6) Management of medical records;

2           (7) Management and storage of medications;

3           (8) Facilities and equipment used in delivering needed health  
4 care services;

5           (9) Timeline for implementing the guidelines, including without  
6 limitation whether or not the Public School Health Services Advisory  
7 Committee recommends that the implementation of the guidelines be phased in;  
8 and

9           (10) Incentives that may be offered to schools and school  
10 districts for:

11                   (A) Exemplary school health care; and

12                   (B) Implementing voluntary best practices identified in  
13 the guidelines.

14           (d) By September 1, 2014, the Public School Health Services Advisory  
15 Committee shall submit a report on its findings, recommendations, and  
16 guidelines to the House Committee on Education and the Senate Committee on  
17 Education.

18           (e)(1) The Public School Health Services Advisory Committee shall  
19 continue to meet until its term expires and make any further recommendations  
20 to the House Committee on Education and the Senate Committee on Education  
21 that the Public Health Services Advisory Committee deems necessary.

22           (2) During its term, the Public School Health Services Advisory  
23 Committee shall conduct further study or provide additional information or  
24 reports at the request of the House Committee on Education and the Senate  
25 Committee on Education.

26           (f)(1) The Public School Health Services Advisory Committee shall  
27 identify the information it needs from public school districts to conduct the  
28 study and communicate those requests for information to the Department of  
29 Education.

30           (2)(A) Each public school shall report the information requested  
31 to the Department of Education not less than monthly.

32                   (B) A school shall continue to report the information  
33 until the Public School Health Services Advisory Committee's term has  
34 expired.

35           (3) The Department of Education shall provide the information to  
36 the Public School Health Services Advisory Committee in a manner that

1 protects student privacy under state and federal laws.

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3 */s/Mayberry*

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6 *APPROVED: 03/15/2013*  
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