

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.
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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;



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.

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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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/s/Mayberry