

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015

A Bill

HOUSE BILL 1442

4
5 By: Representative J. Mayberry

For An Act To Be Entitled

8 AN ACT TO MODIFY THE REQUIREMENTS FOR THE PUBLIC
9 SCHOOL HEALTH SERVICES ADVISORY COMMITTEE; AND FOR
10 OTHER PURPOSES.

Subtitle

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12
13 TO MODIFY THE REQUIREMENTS FOR THE PUBLIC
14 SCHOOL HEALTH SERVICES ADVISORY
15 COMMITTEE.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code § 6-18-709 is amended to read as follows:
22 6-18-709. Public School Health Services Advisory Committee.

23 (a)(1) There is created a Public School Health Services Advisory
24 Committee to consist of ~~nineteen (19)~~ twenty-three (23) members, including
25 one (1) member of the Senate appointed by the Chair of the Senate Committee
26 on Education and one (1) member of the House of Representatives appointed by
27 the Chair of the House Committee on Education.

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

29 (A) One (1) member to represent the Department of Health;

30 (B) One (1) member to represent the Arkansas State Board
31 of Nursing;

32 (C) One (1) member to represent the Arkansas Center for
33 Health Improvement;

34 (D) One (1) member to represent the Child and Adolescent
35 Health Section of the Department of Health, ~~Child and Adolescent Health~~; and

36 (E) One (1) member to represent the ~~Department of Health,~~



1 Office of Minority Health and Health Disparities of the Department of Health.

2 (3) The Commissioner of Education shall appoint:

3 (A) ~~Five (5)~~ Six (6) members to represent the Department
4 of Education as follows:

5 (i) One (1) member from the Office of Legal
6 Services;

7 (ii) One (1) member from the Division of Fiscal and
8 Administrative Services;

9 (iii) One (1) member from the Division of Learning
10 Services, Special Education Unit;

11 (iv) One (1) member from the Division of Learning
12 Services, ~~Coordinated School Health Unit,~~ Health Services; ~~and~~

13 (v) One (1) member from Division of Learning
14 Services, ~~Coordinated School Health Unit, School Based Mental Health,~~
15 ~~Counseling and Social Services~~ Health Services, School Based Mental Health;
16 and

17 (vi) One (1) member from the Division of Public
18 School Academic Facilities and Transportation;

19 (B) One (1) member to represent the Arkansas School Nurses
20 Association;

21 (C) One (1) member to represent the Arkansas Association
22 of Educational Administrators;

23 (D) One (1) member to represent the Arkansas School Boards
24 Association;

25 (E) One (1) member to represent the Arkansas Education
26 Association;

27 (F) One (1) member who is a public school principal;

28 (G)(i) Two (2) members, each of whom is the parent of a
29 child with special healthcare needs.

30 (ii) A parent appointed under this subdivision

31 (a)~~(2)~~(3)(G) shall not be an employee of:

32 (a) The Department of Health;

33 (b) The Department of Education; or

34 (c) A school district;

35 (H) One (1) member to represent the Arkansas Rural
36 Education Association; ~~and~~

1 (I) One (1) member to represent the Arkansas Advocates for
2 Children and Families; and

3 (J) One (1) member to represent the Office of Health
4 Information Technology.

5 (4) The term of the Public School Health Services Advisory
6 Committee shall expire on December 31, ~~2014~~ 2017.

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

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

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

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

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

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

21 (8)(A) The Public School Health Services Advisory Committee
22 shall meet at least one (1) time every quarter.

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

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

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

31 (b) The Public School Health Services Advisory Committee shall conduct
32 a ~~one-year~~ study and annual review to consider without limitation the
33 following:

34 (1) The on-campus healthcare needs of public school students;

35 (2) Who is providing those on-campus healthcare services,
36 including without limitation the extent to which those services are provided

1 by:

- 2 (A) Registered nurses;
- 3 (B) Other healthcare providers; and
- 4 (C) Other school personnel;

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

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

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

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

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

17 (D) Computer and Internet access for:

18 (i) Medical records; and

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

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

23 (6) School nurse healthcare-related duties and ~~non-healthcare-~~
 24 ~~related~~ nonhealthcare-related duties;

25 (7) The extent to which the mental health needs of students are
 26 addressed; and

27 (8) How student health services are provided for during field
 28 trips, extracurricular activities, and during transit to and from school.

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

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

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

35 (3) Job requirements of a school nurse, including without
 36 limitation guidelines concerning job duties that are ~~non-healthcare-related~~

1 nonhealthcare-related;

2 (4) Salary level for school nurses;

3 (5) Types of on-campus healthcare services, if any, that may be
4 performed by personnel other than the school nurse;

5 (6) Management of medical records, including documentation and
6 communications through health information technology;

7 (7) Management and storage of medications;

8 (8) Facilities and equipment used in delivering needed
9 healthcare services;

10 (9) Timeline for implementing the guidelines, including without
11 limitation whether or not the Public School Health Services Advisory
12 Committee recommends that the implementation of the guidelines be phased in;
13 and

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

16 (A) Exemplary school health care; and

17 (B) Implementing voluntary best practices identified in
18 the guidelines.

19 (d) ~~By~~ Annually, beginning September 1, ~~2014~~ 2015, the Public School
20 Health Services Advisory Committee shall submit a report on its findings,
21 recommendations, and guidelines to the House Committee on Education and the
22 Senate Committee on Education.

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

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

31 (f)(1) The Public School Health Services Advisory Committee shall
32 identify the information it needs from public school districts and from
33 nurses employed by public school districts to conduct the study and
34 communicate those requests for information to the Department of Education in
35 collaboration with the Department of Health.

36 (2)(A) Each public school nurse or individual designated by the

1 public school shall report the information requested to the Department of
2 Education and to the school board of directors not less than ~~monthly~~ yearly.

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

6 (3) The Department of Education shall provide the information to
7 the Public School Health Services Advisory Committee in a manner that
8 protects student privacy under state and federal laws.

9 (g) Annually, beginning on July 1, 2015, a school district shall
10 report the following to the department:

11 (1) The number of full-time nurses employed by the school
12 district;

13 (2) The number of part-time nurses employed by the school
14 district;

15 (3) The number of full-time nurses with whom the school district
16 contracts for service;

17 (4) The number of part-time nurses with whom the school district
18 contracts for service;

19 (5) The level of licensure of each nurse working in the school
20 district;

21 (6) The highest degree obtained for each nurse working in the
22 school district;

23 (7) The amount of pay, including source of funding, for each
24 nurse working in the school district; and

25 (8) The number of students in the school district that are in
26 each nursing acuity level as follows:

27 (A) Level 1 for students with occasional health concerns
28 and routine health screenings at a ratio of one (1) school nurse per seven
29 hundred fifty (750) students;

30 (B) Level 2 for students with healthcare concerns and
31 those that require an individualized healthcare plan at a ratio of one (1)
32 school nurse per four hundred (400) students;

33 (C) Level 3 for students with medically complex conditions
34 at a ratio of one (1) school nurse per two hundred twenty-five (225)
35 students;

36 (D) Level 4 for students with medically fragile conditions

1 at a ratio of one (1) school nurse per one hundred twenty-five (125)
2 students; and

3 (E) Level 5 for students that are nursing dependent at a
4 ratio of one (1) school nurse per one (1) student.

5 (h)(1) The Public School Health Services Advisory Committee shall work
6 with the department to develop health services training based on the needs
7 identified from the study.

8 (2) At least one (1) registered nurse from each school district
9 shall attending the health services training annually.

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11 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
12 General Assembly of the State of Arkansas that the work of the Public School
13 Health Services Advisory Committee is ongoing; that a delay in the ability
14 for the committee to continue its work would be detrimental to the public
15 school students in the state; and that this act is immediately necessary to
16 allow the school nurse survey to be administered before the next school year.
17 Therefore, an emergency is declared to exist, and this act being immediately
18 necessary for the preservation of the public peace, health, and safety shall
19 become effective on:

20 (1) The date of its approval by the Governor;

21 (2) If the bill is neither approved nor vetoed by the Governor,
22 the expiration of the period of time during which the Governor may veto the
23 bill; or

24 (3) If the bill is vetoed by the Governor and the veto is
25 overridden, the date the last house overrides the veto.

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