

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

*As Engrossed: H3/10/15*

# A Bill

HOUSE BILL 1442

5 By: Representative J. Mayberry  
6

## 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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18  
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-four (24) members, including one  
25 (1) member of the Senate appointed by the Chair of the Senate Committee on  
26 Education and one (1) member of the House of Representatives appointed by the  
27 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;*

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

5 (K) One (1) member to represent the Arkansas State  
6 Teachers Association.

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

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 one (1) time 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 and annual review to consider without limitation the  
35 following:

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

1 (2) Who is providing those on-campus healthcare services,  
2 including without limitation the extent to which those services are provided  
3 by:

4 (A) Registered nurses;

5 (B) Other healthcare providers; and

6 (C) Other school personnel;

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

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

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

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

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

19 (D) Computer and Internet access for:

20 (i) Medical records; and

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

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

25 (6) School nurse healthcare-related duties and ~~non-healthcare-~~  
26 ~~related~~ nonhealthcare-related duties;

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

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

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

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

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

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

4 (4) Salary level for school nurses;

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

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

9 (7) Management and storage of medications;

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

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

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

18 (A) Exemplary school health care; and

19 (B) Implementing voluntary best practices identified in  
20 the guidelines.

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

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

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

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

1 collaboration with the Department of Health.

2 (2)(A) Each public school nurse or individual designated by the  
3 public school shall report the information requested to the Department of  
4 Education and to the school board of directors not less than ~~monthly~~ yearly.

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

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

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

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

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

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

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

21 (5) The level of licensure of each nurse working in the school  
22 district;

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

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

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

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

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

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

1 students;

2 (D) Level 4 for students with medically fragile conditions  
3 at a ratio of one (1) school nurse per one hundred twenty-five (125)  
4 students; and

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

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

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

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

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

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

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

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29 */s/J. Mayberry*

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