

State of Arkansas  
90th General Assembly  
Regular Session, 2015

As Engrossed: H3/10/15  
**A Bill**

HOUSE BILL 1442

By: Representative J. Mayberry

### For An Act To Be Entitled

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

### Subtitle

TO MODIFY THE REQUIREMENTS FOR THE PUBLIC  
SCHOOL HEALTH SERVICES ADVISORY  
COMMITTEE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 6-18-709 is amended to read as follows:

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

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

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

- (A) One (1) member to represent the Department of Health;
- (B) One (1) member to represent the Arkansas State Board of Nursing;
- (C) One (1) member to represent the Arkansas Center for Health Improvement;
- (D) One (1) member to represent the Child and Adolescent Health Section of the Department of Health, ~~Child and Adolescent Health;~~ and
- (E) One (1) member to represent the ~~Department of Health,~~



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

(3) The Commissioner of Education shall appoint:

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) A parent appointed under this subdivision (a)~~(2)~~(3)(G) shall not be an employee of:

(a) The Department of Health;

(b) The Department of Education; or

(c) A school district;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) Computer and Internet access for:

(i) Medical records; and

(ii) Reporting on the Arkansas Public School

Computer Network;

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

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

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

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

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

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

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

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

(4) Salary level for school nurses;

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

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

(7) Management and storage of medications;

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

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

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

(A) Exemplary school health care; and

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

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

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

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

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

collaboration with the Department of Health.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

students;

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

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

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

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

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

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

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

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

*/s/J. Mayberry*

**APPROVED: 04/02/2015**