

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H3/5/15
A Bill

HOUSE BILL 1444

By: Representative J. Mayberry

For An Act To Be Entitled

AN ACT TO MODIFY THE REQUIREMENTS FOR SCHOOL NURSES;
AND FOR OTHER PURPOSES.

Subtitle

TO MODIFY THE REQUIREMENTS FOR SCHOOL
NURSES.

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

SECTION 1. Arkansas Code Title 6, Chapter 17, Subchapter 1, is amended to add an additional section to read as follows:

6-17-120. Evaluation of school nurses.

(a) A nurse employed by a school district shall be evaluated on his or her nursing performance components annually.

(b)(1) The evaluation required under subsection (a) of this section shall be performed by a registered nurse supervisor if a registered nurse supervisor is employed by the school district.

(2) If a school district only employs one (1) nurse, an appropriate school district administrator shall evaluate the school nurse, using evaluation tools developed and provided by the Department of Education.

SECTION 2. Arkansas Code § 6-18-706 is amended to read as follows:

6-18-706. School nurse.

(a)(1) In order to improve the health status and educational achievement of the children of this state, the General Assembly hereby determines that an appropriate school nurse-to-student ratio is essential to effectively meet the healthcare needs of these children.



(2) To ensure that school districts are able to maintain the appropriate school nurse-to-student ratio, a school district may use the national school lunch state categorical funds provided under § 6-20-2305(b)(4) to meet or to exceed the current standards required.

(b)(1) For purposes of this section, “school nurse” means a licensed nurse engaging in school nursing activities.

(2) Beginning on July 1, 2017, a school nurse supervisor newly employed by a school district shall have at least a Bachelor of Science in Nursing degree.

(3)(A)(i) Beginning on July 1, 2017, each school district shall ensure that each school in the school district has at least one (1) school nurse that is a registered nurse.

(ii) A licensed *practical* nurse may be hired to assist a registered nurse if necessary due to the student acuity levels on the school campus and the duties assigned to the licensed *practical* nurse are within the scope of practice as established under § 17-87-101 et seq.

(B) If two (2) or more schools operate on one (1) campus, the schools may share the school nurse to satisfy the requirements of this section.

(4) Beginning on July 1, 2020, it is recommended that each newly hired registered nurse shall have a Bachelor of Science in Nursing degree or be enrolled in a school of nursing with an expected completion of the Bachelor of Science in Nursing degree in three (3) years.

(c)(1) Beginning with the ~~2004-2005~~ 2015-2016 school year, all school districts shall have no ~~fewer~~ less than the full-time equivalent of one (1) school nurse per seven hundred fifty (750) students or the proportionate ratio thereof.

~~(2) In districts having a high concentration of children with disabling conditions as determined by the State Board of Education, the ratio of school nurses to students should be one (1) to four hundred (400) in those schools so designated. A school district is encouraged to use the preferred nursing ratios of:~~

(A)(i) 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.

(ii) Students with occasional health concerns and

routine health screenings are those who see a nurse at least one (1) time per year for screening or as needed;

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

(ii) Students with healthcare concerns and those who require an individualized healthcare plan are those who have physical, social, or emotional conditions that are uncomplicated and predictable and require occasional monitoring from biweekly to annually by a nurse;

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

(ii) Students with medically complex conditions are those who have physical, social, or emotional conditions that are complex or unstable and require daily treatments and close monitoring by a nurse;

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

(ii) Students with medically fragile conditions are those who have the daily possibility of a life-threatening emergency and require daily monitoring by a nurse; and

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

(ii) Students who are nursing dependent require twenty-four-hour nursing care for survival.

~~(3) In a district that provides a center for profoundly disabled students, the ratio should be one (1) school nurse per one hundred twenty-five (125) students at that center.~~

(d)(1) School nurses may be employed or provided by contract or agreement with other agencies or individuals ~~provided that~~ if the prescribed ratio and equivalency are maintained.

(2) However, ~~ne~~ a school nurse may not be employed by, or contract with, any public secondary or elementary school of this state except with the prior approval of the local school district board of directors.

~~(e)(1) The provisions of this section shall be effective only upon the availability of state funds.~~

~~(2) Available funds shall be distributed to school districts based on the previous year's three quarter average daily membership.~~

A school nurse may work on health-related activities in the school district if time permits.

(f)(1) The State Board of Education shall include the school nurse requirements in the standards for accreditation adopted by the State Board of Education.

(2) The rules promulgated by the State Board of Education may incorporate the Arkansas Board of Nursing Guidelines for Delegation and Guidelines for Health Care services recommended by the Arkansas State Board of Nursing.

SECTION 3. Arkansas Code Title 6, Chapter 20, Subchapter 4, is amended to add an additional section to read as follows:

6-20-418. Enhanced school nurse funding.

(a) If funding is available, beginning in the 2015-2016 school year, a school district that opts to use the preferred nursing ratios under § 6-18-706(c)(2) is eligible to receive enhanced school nurse funding.

(b) The Department of Education shall:

(1) Adopt rules for the administration of this section if funding is available; and

(2) Distribute the funding to eligible school districts by using a formula developed by the department.

SECTION 4. Arkansas Code § 17-87-102(9), concerning the definition of "practice of practical nursing", is amended to read as follows:

(9)(A) "Practice of practical nursing" means the performance for compensation of acts involving the care of the ill, injured, or infirm or the delegation of certain nursing practices to other personnel as set forth in ~~regulations~~ rules established by the board under the direction of a professional registered nurse, an advanced practice registered nurse, a licensed physician, or a licensed dentist, which acts do not require the substantial specialized skill, judgment, and knowledge required in professional nursing.

(B) The board shall establish a process to ensure that a practical nurse working in a school district is performing under the

supervision of a professional registered nurse, an advanced practice registered nurse, a licensed physician, or a licensed dentist;

/s/J. Mayberry