

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **Senate Bill 100**

**FISCAL  
NOTE**

BY SENATOR MILLER

[Introduced January 13, 2016;

Referred to the Committee on Education; and then to  
the Committee on Finance.]

1 A BILL to amend and reenact §18-5-22 of the Code of West Virginia, 1931, as amended, relating  
 2 to requirements for employment of nurses in public schools; changing student-school  
 3 nurse staffing ratio; expanding its coverage to all grades; and eliminating county's ability  
 4 to obtain contract services for nursing.

*Be it enacted by the Legislature of West Virginia:*

1 That §18-5-22 of the Code of West Virginia, 1931, as amended, be amended and  
 2 reenacted to read as follows:

**ARTICLE 5. COUNTY BOARD OF EDUCATION.**

**§18-5-22. Medical and dental inspection; school nurses; specialized health procedures;  
 establishment of council of school nurses.**

1 (a) County boards shall provide proper medical and dental inspections for all pupils  
 2 attending the schools of their county and have the authority to take any other action necessary to  
 3 protect the pupils from infectious diseases, including the authority to require from all school  
 4 personnel employed in their county, certificates of good health and of physical fitness.

5 (b) Each county board shall employ full time at least one school nurse for every ~~one~~  
 6 ~~thousand five hundred kindergarten through seventh grade pupils~~ seven hundred fifty pupils in  
 7 net enrollment or major fraction thereof beginning with the school year 2016-2017: *Provided,*  
 8 That each county shall employ full time at least one school nurse: *Provided, however,* That a  
 9 ~~county board may contract with a public health department for services considered equivalent to~~  
 10 ~~those required by this section in accordance with a plan to be approved by the state board:~~  
 11 ~~*Provided further,*~~ That the state board shall promulgate rules requiring the employment of school  
 12 nurses in excess of the number required by this section to ensure adequate provision of services  
 13 to severely handicapped pupils. An appropriation may be made to the state department to be  
 14 distributed to county boards to support school health service needs that exceed the capacity of  
 15 staff as mandated in this section. Each county board shall apply to the state superintendent for

16 receipt of this funding in a manner set forth by the state superintendent that assesses and takes  
17 into account varying acuity levels of students with specialized health care needs.

18 (c) Any person employed as a school nurse must be a registered professional nurse  
19 properly licensed by the West Virginia Board of Examiners for Registered Professional Nurses in  
20 accordance with article seven, chapter thirty of this code.

21 (d) Specialized health procedures that require the skill, knowledge and judgment of a  
22 licensed health professional may be performed only by school nurses, other licensed school  
23 health care providers as provided in this section, or school employees who have been trained and  
24 retrained every two years who are subject to the supervision and approval by school nurses. After  
25 assessing the health status of the individual student, a school nurse, in collaboration with the  
26 student's physician, parents and, in some instances, an individualized education program team,  
27 may delegate certain health care procedures to a school employee who ~~shall be~~ is trained  
28 pursuant to this section, considered competent, ~~have consultation~~ can consult with, and ~~be~~ is  
29 monitored or supervised by the school nurse: *Provided*, That ~~nothing in this section prohibits~~  
30 does not prohibit any school employee from providing specialized health procedures or any other  
31 prudent action to aid any person who is in acute physical distress or requires emergency  
32 assistance. For the purposes of this section "specialized health procedures" means, but is not  
33 limited to, catheterization, suctioning of tracheostomy, naso-gastric tube feeding or gastrostomy  
34 tube feeding. "School employee" means "teachers" as defined in section one, article one of this  
35 chapter and "aides" as defined in section eight, article four, chapter eighteen-a of this code.  
36 Commencing with the school year beginning on July 1, 2002, "school employee" also means  
37 "secretary I", "secretary II" and "secretary III" as defined in section eight, article four, chapter  
38 eighteen-a of this code: *Provided, however*, That a "secretary I", "secretary II" and "secretary III"  
39 shall be limited to the dispensing of medications.

40 (e) Any school service employee who elects, or is required by this section, to undergo  
41 training or retraining to provide, in the manner specified in this section, the specialized health care

42 procedures for those students for which the selection has been approved by both the principal  
43 and the county board shall receive additional pay of at least one pay grade higher than the highest  
44 pay grade for which the employee is paid: *Provided*, That any training required in this section  
45 may be considered in lieu of required in-service training of the school employee and a school  
46 employee may not be required to elect to undergo the training or retraining: *Provided, however*,  
47 That commencing with July 1, 1989, any newly employed school employee in the field of special  
48 education is required to undergo the training and retraining as provided in this section: *Provided*  
49 *further*, That if an employee who holds a class title of an aide is employed in a school and the  
50 aide has received the training, pursuant to this section, then an employee in the field of special  
51 education is not required to perform the specialized health care procedures.

52 (f) Each county school nurse, as designated and defined by this section, shall perform a  
53 needs assessment. These nurses shall meet on the basis of the area served by their regional  
54 educational service agency, prepare recommendations and elect a representative to serve on the  
55 council of school nurses established under this section.

56 (g) There shall be a Council of School Nurses which shall be convened by the State Board  
57 of Education. This council shall prepare a procedural manual and shall provide recommendations  
58 regarding a training course to the Commissioner of the Bureau for Public Health who shall consult  
59 with the State Department of Education. The state board then has the authority to promulgate a  
60 rule in accordance with the provisions of article three-b, chapter twenty-nine-a of this code to  
61 implement the training and to create standards used by those school nurses and school  
62 employees performing specialized health procedures. The council shall meet every two years to  
63 review the certification and training program regarding school employees.

64 (h) The State Board of Education shall work in conjunction with county boards to provide  
65 training and retraining every two years as recommended by the Council of School Nurses and  
66 implemented by the rule promulgated by the state board.

NOTE: The purpose of this bill is to reduce the student-school nurse ratio from 1,500-1 in grades K-7 to 750-1 and to expand it to all levels of school in the 2016-17 school year to provide for ever-increasing medical needs of students, while ensuring that school nurses will do the work, not contract services.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.