

Enrolled
Senate Bill 111

Sponsored by Senator MONNES ANDERSON, Representative WHISNANT; Senator STEINER HAYWARD, Representatives BYNUM, KENY-GUYER (Pre-session filed.)

CHAPTER

AN ACT

Relating to school nursing services; and declaring an emergency.

Whereas evidence shows that there is a profound connection between the presence of a school nurse and a student's health status and educational achievement; and

Whereas school nurses are the first and, frequently, the only access point for students to continuous and comprehensive care; and

Whereas school nurses serve a pivotal role that bridges health care and education systems; and

Whereas school nurses provide care to all students and provide students with resources and referrals for health insurance coverage; and

Whereas school nurses support student success by providing health care through assessments, intervention and follow up for all students in the school setting; and

Whereas school nurses have been linked to decreased absenteeism, increased school attendance and increased student engagement; and

Whereas there is an immediate concern for the health and safety of students and an urgent need for the development of budget priorities to support school nurses; and

Whereas there is an immediate need for the establishment of funding formulas and state allocations to support school nurses; and

Whereas school nurses play an integral role in public health transformation and the triple aim focus of better health, better care and lower costs; and

Whereas school nurses provide an evidence-based model of care that is an integral part of the health care delivery team; and

Whereas Oregon has a fiduciary responsibility to leverage existing resources to maximize the delivery of health services; and

Whereas school nurses reduce inappropriate emergency room use and the rising use of primary care; and

Whereas in Oregon the primary funding source for school nursing services is a school district's general fund with some limited Medicaid reimbursement; and

Whereas Oregon taxpayers save \$2.20 for every dollar spent on school nurses; and

Whereas 79 of the 197 school districts in Oregon do not provide any school nursing services and 29,734 students have no access to a school nurse; and

Whereas there has been no increase in the number of school nurses working in Oregon schools since the last legislative task force report in 2008; and

Whereas school nurses provide an important role in supporting the Whole School, Whole Community, Whole Child model; and

Whereas there has been a significant increase in the number of students attending school with chronic health conditions, many of which are life threatening and require complex medical treatments and frequent interventions; and

Whereas there is an immediate need for increasing the number of school nurses in Oregon schools; and

Where in Oregon, school nurses are delegating nursing tasks and procedures to persons without nursing licenses; and

Whereas state law prohibits anyone other than a registered nurse from delegating care for students while they are attending school and while they are in after-school activities; and

Whereas school nurses ensure district compliance with the Free Access to Public Education Act; and

Whereas school districts and students with no school nursing services are at significant risk; now, therefore,

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section:

(a) "School nurse" means:

(A) A school nurse as defined in ORS 342.455;

(B) A registered nurse licensed under ORS 678.010 to 678.410; or

(C) A licensed practical nurse licensed under ORS 678.010 to 678.410 and acting under the direction of a registered nurse.

(b) "School nursing services" means nursing services provided by a school nurse practicing in a school setting pursuant to ORS 336.201.

(2) The Department of Education shall assist school districts and education service districts in funding school nursing services as provided by this section. The assistance:

(a) Must include facilitating collaboration between a school district or an education service district and entities that have experience with providing the technical assistance described in subsection (4) of this section and experience in Medicaid billing; and

(b) May include any other assistance available from the department.

(3)(a) A school district or an education service district may receive assistance as described in this section by submitting an application prescribed by the department.

(b) The number of applications accepted under this subsection may be limited based on the funding and resources available.

(4) Technical assistance provided to a school district or an education service district under this section shall include the following:

(a) Assistance in the creation and implementation of a district plan to maximize Medicaid billing for school nursing services as part of the overall structure for providing school health services;

(b) Assistance to school nurses with practices related to Medicaid billing and efficiencies; and

(c) Ongoing technical assistance to participating school districts and education service districts in maximizing Medicaid billing.

(5) The department shall collaborate with any state agency necessary for the purpose of providing the assistance described in this section, including seeking any rule or statutory change necessary to secure federal financial participation in the cost of providing school nursing services.

(6) Nothing in this section prevents the department from providing assistance that is not described in this section or from providing assistance to school districts and education service districts that have not submitted an application under this section or that have not had an application accepted under this section.

SECTION 2. (1) Notwithstanding section 1 (3)(b) of this 2017 Act, the Department of Education shall ensure that at least nine initial districts are accepted to receive assistance under section 1 of this 2017 Act. To the extent practicable, the initial districts shall include:

(a) At least one education service district; and

(b) School districts that represent a diverse range of sizes and geographic locations.

(2) Nothing in this section prevents an increase in the number of applications accepted to receive assistance under section 1 of this 2017 Act, as funding and resources allow.

(3) No later than October 1, 2020, the department shall submit to the interim committees of the Legislative Assembly related to education a report on:

(a) The outcomes of the assistance described in section 1 of this 2017 Act; and

(b) An analysis of the cost benefits to school districts and education service districts receiving the assistance described in section 1 of this 2017 Act.

SECTION 3. Section 2 of this 2017 Act is repealed on December 31, 2020.

SECTION 4. Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Education by section 1 (1), chapter __, Oregon Laws 2017 (Enrolled Senate Bill 5516), for the biennium beginning July 1, 2017, for operations, is increased by \$420,785 for the purpose of implementing sections 1 and 2 of this 2017 Act.

SECTION 5. Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Health Authority by section 1 (1), chapter __, Oregon Laws 2017 (Enrolled House Bill 5026), for the biennium beginning July 1, 2017, for programs, is increased by \$109,150 for the purpose of implementing section 1 of this 2017 Act.

SECTION 6. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 4 (1), chapter __, Oregon Laws 2017 (Enrolled House Bill 5026), for the biennium beginning July 1, 2017, as the maximum limit for payment of expenses from federal funds, excluding federal funds described in section 2, chapter __, Oregon Laws 2017 (Enrolled House Bill 5026), collected or received by the Oregon Health Authority for programs, is increased by \$108,776 for the purpose of section 1 of this 2017 Act.

SECTION 7. This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect July 1, 2017.

Passed by Senate July 4, 2017

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House July 6, 2017

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2017

Approved:

.....M,....., 2017

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2017

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Dennis Richardson, Secretary of State