

HOUSE BILL NO. 1736

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education

on \_\_\_\_\_)

(Patron Prior to Substitute--Delegate Adams, D.M.)

A BILL to amend and reenact § 22.1-274 of the Code of Virginia, relating to school nurses; requirements.

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-274 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-274. School health services.**

A. A school board shall provide pupil personnel and support services in compliance with § 22.1-253.13:2. A school board may employ school nurses, physicians, physical therapists, occupational therapists, and speech therapists. No such personnel shall be employed unless they meet such standards as may be determined by the Board of Education. No individual who provides nursing services in a public elementary or secondary school as a school board employee or through a contract with the local health department shall use the title of school nurse unless such individual is a registered nurse who possesses an active license to practice in the Commonwealth. Subject to the approval of the appropriate local governing body, a local health department may provide personnel for health services for the school division.

B. In implementing subsection O of § 22.1-253.13:2, relating to providing support services that are necessary for the efficient and cost-effective operation and maintenance of its public schools, each school board may strive to employ, or contract with local health departments for, nursing services consistent with a ratio of at least one nurse (i) per 2,500 students by July 1, 1996; (ii) per 2,000 students by July 1, 1997; (iii) per 1,500 students by July 1, 1998; and (iv) per 1,000 students by July 1, 1999. In those school divisions in which there are more than 1,000 students in average daily membership in school buildings, this section shall not be construed to encourage the employment of more than one nurse per school building. Further, this section shall not be construed to mandate the aspired-to ratios.

27 C. The Board of Education shall monitor the progress in achieving the ratios set forth in subsection  
28 B and any subsequent increase in prevailing statewide costs, and the mechanism for funding health  
29 services, pursuant to subsection O of § 22.1-253.13:2 and the appropriation act. The Board shall also  
30 determine how school health funds are used and school health services are delivered in each locality and  
31 shall provide, by December 1, 1994, a detailed analysis of school health expenditures to the House  
32 Committee on Education, the House Committee on Appropriations, the Senate Committee on Education  
33 and Health, and the Senate Committee on Finance.

34 D. With the exception of school administrative personnel and persons employed by school boards  
35 who have the specific duty to deliver health-related services, no licensed instructional employee,  
36 instructional aide, or clerical employee shall be disciplined, placed on probation, or dismissed on the basis  
37 of such employee's refusal to (i) perform nonemergency health-related services for students or (ii) obtain  
38 training in the administration of insulin and glucagon. However, instructional aides and clerical employees  
39 may not refuse to dispense oral medications.

40 For the purposes of this subsection, "health-related services" means those activities that, when  
41 performed in a health care facility, must be delivered by or under the supervision of a licensed or certified  
42 professional.

43 E. Each school board shall ensure that in school buildings with an instructional and administrative  
44 staff of 10 or more (i) at least three employees have current certification or training in emergency first aid,  
45 cardiopulmonary resuscitation, and the use of an automated external defibrillator and (ii) if one or more  
46 students diagnosed as having diabetes attend such school, at least two employees have been trained in the  
47 administration of insulin and glucagon. In school buildings with an instructional and administrative staff  
48 of fewer than 10, school boards shall ensure that (a) at least two employees have current certification or  
49 training in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external  
50 defibrillator and (b) if one or more students diagnosed as having diabetes attend such school, at least one  
51 employee has been trained in the administration of insulin and glucagon. "Employee" includes any person  
52 employed by a local health department who is assigned to the public school pursuant to an agreement  
53 between the local health department and the school board. When a registered nurse, nurse practitioner,

54 physician, or physician assistant is present, no employee who is not a registered nurse, nurse practitioner,  
55 physician, or physician assistant shall assist with the administration of insulin or administer glucagon.  
56 Prescriber authorization and parental consent shall be obtained for any employee who is not a registered  
57 nurse, nurse practitioner, physician, or physician assistant to assist with the administration of insulin and  
58 administer glucagon.

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