

Legal Implications

For School Nurses

85th Legislative Session

- 4333-House Bills filed this session
- 2298-Senate Bills filed this session
- 700-House Bills passed into law
- 511-Senate Bills passed into law



June 21, 2017 was the important deadline. Sign, Veto or Pass into law without signature.

Bills to Note.....

Senate Bills that Passed	House Bills that Passed
<ul style="list-style-type: none"> • SB 579- Relating to use of Epi auto-injectors on private school campus. 	<ul style="list-style-type: none"> • HB 1076-Related to mandatory spinal screening of public and private school students.
<ul style="list-style-type: none"> • SB 2039- Development of a program and training related to prevention of sexual abuse and sex trafficking. 	<ul style="list-style-type: none"> • HB 3024- Relating to removal of student from a UIL activity due to suspected concussion.
<ul style="list-style-type: none"> • SB 1566- Notification if a student has head lice. 	<ul style="list-style-type: none"> • HB 3157- Relating to requirements for screenings in schools to detect vision disorders.
	<ul style="list-style-type: none"> • HB 3296- Relating to persons required to establish nursing peer review committees.

Notification to Parents SB 196

- Nurse Defined
 - Occupations Code, Chapter 301
 - RN or LVN
- School Counselor Defined
 - Texas Education Code, Chapter 21
- Librarian
 - Texas Education Code, Chapter 21



- School must provide notice if they do not have a full-time nurse, counselor or librarian for more than 30 consecutive days.
- Does not apply to a school district or charter that has less than 10,000 students.

Vetoed

Instruction on Trafficking SB 2039

- TEA in cooperation with human trafficking prevention task force shall develop one or more instructional modules.
- Schools may utilize the modules in their health curriculum.
- Schools that elect to use the modules shall provide written notice to parents.
- Districts must adopt a policy that includes sex trafficking, to be included in the districts improvement plan.



Passed and Signed

Notification of Head Lice SB 1566

- District must develop policy that requires:
 - School nurse of public elementary to provide written or electronic notice if they determine or become aware of a child with head lice to :
 - the parent of the child with lice (within 48 hours)
 - the parent of each child assigned to the same classroom (not later than 5th school day)
- Notice must include:
 - recommendations from CDC about treatment and prevention
 - may not identify the child



Passed and Signed

**Spinal Screening
HB 1076**

- Amends Health and Safety Code, Section 37.001
- Executive Commissioner (EC) of HHS in cooperation with TEA shall adopt rules.
- Parent notification process included in rule
- Implemented during the 2018-2019 School Year



Passed and Signed

**Removal From Play
HB 3024**

- Amends Texas Education Code, Chapter 38, Section 38.156
- Expands to the list of persons that can remove a student from play if possible concussion
 - A coach
 - A physician
 - A licensed healthcare professional; and
 - A person licensed under Chapter 201 of the Occupations Code (Chiropractor)



Passed and Signed

**Vision Screening
HB 3157**

- Amends Health and Safety Code, Chapter 36, Section 36.004
- Adds language to state the rules must allow an individual to be screened using photo-screening to detect vision disorders.
- Requires the executive commissioner of HHSC to adopt rules to include the language as soon as practicable.



Passed and Signed

**Peer Review
HB 3296**

- Amends Section 303.0015(a) of the Occupations Code related to establishment of a Peer Review Committee (PRC)
- Requires a person that regularly employs, hires or contracts for services of eight or more nurses to establish a PRC
- Takes effect September 1, 2017



Passed and Signed

Epinephrine Auto-Injector

SB 66-84th Session and SB 579-85th Session

- Permissive Bill (SB 66, 84th Legislative Session)
- Now includes private schools (SB 579, 85th Legislative Session)
- Rules are under development
 - Informal Comment Period-ended November 3, 2017
 - Formal Comment Period-To begin after HHS Executive Council approves the draft.
- Developing web-page with implementation resources
- Web form is being developed for schools to report to DSHS

Epinephrine Auto-Injector Rules

- Rules Process Overview
 - SEAC Recommendations Developed
 - Rules drafted and sent through approval
- Public Comment
 - Informal Comment period closed Nov. 3rd
 - Formal Comments will be taken after HHS Executive Council Approves draft
- Rules should be final by end of school year.

Epinephrine Auto-Injector Reporting

School Health Program Resources

- Texas Guide to School Health Services Web Portal
- DSHS-School Nurse Notes
- DSHS-Medication Guide
- Stock Epi Auto-Injector Web Portal
- Frequently Asked Questions-School Health Services
- New Resources (Board of Nursing and DSHS)

School Health Services-School Nurse Practice

Texas Guide to School Health Services

Texas Guide to School Health Services

- Now a Web Portal page
- 8 Distinct Areas
 - ✓ - Coordinated School Health
 - ✓ - Health Conditions
 - ✓ - Legal Issues
 - ✓ - Professional School Nursing
 - ✓ - Addressing Students with Special Healthcare Needs
 - ✓ - School Health Office Resources
 - ✓ - School Health Services
 - ✓ - Skilled Procedures

Texas Guide to School Health Services

- Health Conditions
- Allergy and Anaphylaxis
- Asthma
- Diabetes
- Epilepsy
- Food Allergies
- Health Care Plans
- Mental Health Issues
- Traumatic Brain Injury and Concussion

Texas Guide to School Health Services

- Legal Issues
 - Child Abuse and Neglect
 - Do Not Resuscitate-Out of Hospital
 - Documentation and Confidentiality
 - HIPAA and FERPA
 - Federal and State Laws, Rules and Regulations



Texas Guide to School Health Services

- Professional School Nursing
 - Primary Resources- Board of Nursing, NASN, TSNO
 - Delegation in the School Setting
 - Evaluation and Appraisals
 - Peer Review
 - Responsibilities
 - Roles



Texas Guide to School Health Services

- Special Education and Section 504
 - ADA
 - Managing Students
 - Medicaid
 - Laws and Regulations
 - Section 504
 - IDEA and Students



Texas Guide to School Health Services

- School Health Services
 - Blood Borne Pathogens
 - Emergency Care
 - Evaluations/Assessments
 - Immunizations
 - Medication Administration
 - School-based Health Centers
 - Screenings (Vision, Hearing, Spinal, Type 2 Diabetes)
 - Student Safety

Texas Guide to School Health Services

- Skilled Procedures (Special thanks to Plano ISD for Sharing)
 - Includes Guidelines and procedures
 - Action Plans
 - Problem lists
 - Training check lists
 - Physicians order forms
 - Standing order forms

Texas Guide to School Health Services

Skilled Procedures (Special thanks to Plano ISD)

- | | |
|-------------------------|--------------------------|
| • Adrenal Insufficiency | • MDIs |
| • AEDs | • Medication |
| • Anaphylaxis | • Near Vision |
| • Blood Pressure | • Nebulizer Treatments |
| • Catheterization | • Suctioning |
| • Colostomy | • Oxygen |
| • Chest Physiotherapy | • Pulse Oximetry |
| • Diabetes | • Tracheostomy |
| • DNR-Out of Hospital | • And there is more..... |
| • Enteral Feedings | |
| • Food Allergies | |

DSHS-School Nurse Notes

• Based on topics suggested by practicing school nurses
Publication is to assist nurses in finding peer reviewed journals,
latest resources and information.

• Topics Completed Include:

- Adrenal Insufficiency
- Intranasal Midazolam
- Wound Care

• Topics for 2017-18:

- IHPs-Posted on Web Site
- Delegation-Posted on Web Site
- Supervision
- Peer Review
- Professional Boundaries
- Herbals and Cannabis Oil

Texas Guide to Medication Administration



Posted on Website

Health Services-Frequently Asked Questions



Under Final Revisions

Stay Tuned....

- Sign up for Friday Beat...for how to give input into the rules process for spinal screening, vision screening and stock epi auto-injectors
- We welcome input on the rules process



Questions?

Thank you

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