

# Legal Implications

For School Nurses

## 85<sup>th</sup> 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
• <a href="#">SB 579</a> - Relating to use of Epi auto-injectors on private school campus.	• <a href="#">HB 1076</a> -Related to mandatory spinal screening of public and private school students.
• <a href="#">SB 2039</a> - Development of a program and training related to prevention of sexual abuse and sex trafficking.	• <a href="#">HB 3024</a> - Relating to removal of student from a UIL activity due to suspected concussion.
• <a href="#">SB 1566</a> - Notification if a student has head lice.	• <a href="#">HB 3157</a> - Relating to requirements for screenings in schools to detect vision disorders.
	• <a href="#">HB 3296</a> - 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**

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## 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**

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## 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 5<sup>th</sup> school day)
  - Notice must include:
    - recommendations from CDC about treatment and prevention
    - may not identify the child



**Passed and Signed**

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**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**

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**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 couch
  - A physician
  - A licensed healthcare professional; and
  - A person licensed under Chapter 201 of the Occupations Code (Chiropractor)



**Passed and Signed**

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**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**

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**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**

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**Epinephrine Auto-Injector**

**SB 66-84<sup>th</sup> Session and SB 579-85<sup>th</sup> Session**

- Permissive Bill (SB 66, 84<sup>th</sup> Legislative Session)
- Now includes private schools (SB 579, 85<sup>th</sup> 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

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**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.

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**TEXAS**  
Health and Human  
Services

# Epinephrine Auto-Injector Reporting

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Epinephrine Auto-Injector Reporting Form



Epinephrine Auto-Injector Reporting Form

**Background**

In response to the increase in students with diagnosed food allergies at risk for anaphylaxis, laws were passed during the 2011, 2012 Legislative Session, and in the 2015, 84th Legislative Session. The bills were codified in the Texas Education Code, Chapters 25 and 38.

Texas Education Code, Chapter 25, Section 22.0022, requires a parent or legal guardian disclosure, at the request of the school district, whether the child has a food allergy.

Texas Education Code, Chapter 38, Section 38.0151, requires the board of trustees of each school district and the governing body of each open-enrollment charter school to adopt and administer a policy for the care of students with diagnosed food allergies at risk for anaphylaxis based on the guidelines developed by the Legislated Ad-Hoc Committee.

Texas Education Code, Subchapter E, Section 28.0015, requires each school district, open-enrollment charter school, and private school may adopt and implement a policy regarding the management, administration, and disposal of epinephrine auto-injectors at each campus in the district or school. During the 85th Legislative Session, private schools were included in the law.

**Food Allergies**

## 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  
Health and Human  
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Texas Department of State  
Health Services

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P.O. Box 149437, MC1205  
Austin, TX 78714-9347

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School Nurse Practice  
School Health Services - School Nurse Practice

Nursing Practice Resources  
DHSIS School Nurse Notes  
Texas Guide to School Health Services

Sign up to receive information and updates on school health practices and services emailed free of charge to your inbox.

**Definition of School Nurses:** A specialized practice of nursing, protects and promotes student health, facilitates optimal health experiences, achieves academic success. School nurses, promote a ethical and evidence-based health, are the leaders who bridge health services and education, provide care coordination, advocate for quality student-centered care, and collaborate to ensure a healthy school environment that allow individuals and communities to develop their full potential. Approved by the NASN of Directors February 2017.

Support for Texas school nurses is a major priority of the DHSIS School Health Program.

School nursing involves the identification, prevention and intervention to remedy or modify students' health needs. Using clinical knowledge and judgment, the school nurse provides health care to students and staff, performs health screenings and assessments, promotes health and safety, and coordinates with other health care providers. The school nurse serves as a liaison between school personnel, family, community and healthcare providers to advocate for health care and a healthy school environment (American Nurses Association & National Association of School Nurses (ANNA & NASN), 2011).

**Texas Guide to School Health Services**

TEXAS Department of State Human Services

Texas Department of State Health Services

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Nursing Practice Resources

OSHS - School Nurse Notes

Texas Guide to School Health Services

Sign up to receive information and updates on school health practices and services emailed free of charge to your inbox.

**School Nurse Practice**

**School Nurse Practice** is a specialized practice of nursing, protects and promotes student health, facilitates optimal development, and advances academic success. School nurses, grounded in ethical and evidence-based practice, are the leaders who bridge healthcare and education, provide care coordination, advocate for quality student-centered care, and collaborate to develop healthy school communities that allow individuals and communities to develop their full potential. Approved by the NASN Board of Directors February 2017.

Support for Texas school nurses is a major function of the OSNS School Health Program.

School nursing involves the identification, prevention and intervention to remedy or modify students' health needs. Using clinical judgment, school nurses provide health services, including health screening and coordinates referrals to the medical home or private healthcare provider. The school nurse serves as a liaison between school personnel, family, community and healthcare providers to advocate for health care and a healthy school environment (American Nurses Association & National Association of School Nurses [ANNA & NASN], 2011).

Texas School Health Program P.O. Box 149457, MC2925 Austin, TX 78714-9547

**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




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**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




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**Texas Guide to School Health Services**

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




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**Texas Guide to School Health Services**

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




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**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

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**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

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**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	

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**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

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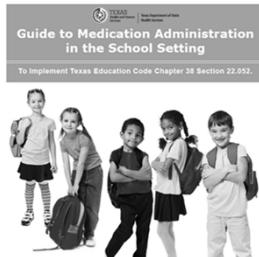
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**Texas Guide to Medication Administration****Posted on Website**


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**Health Services-Frequently Asked Questions****Under Final Revisions**


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**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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