

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Minton offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Section 381.0056, Florida Statutes, is amended to read:

381.0056 School health services program.--

(1) This section may be cited as the "School Health Services Act."

(2) The Legislature finds that health services conducted as a part of the total school health program should be carried out to appraise, protect, and promote the health of students. School health services supplement, rather than replace, parental responsibility and are designed to encourage parents to devote attention to child health, to discover health problems, and to encourage use of the services of their physicians, dentists, and community health agencies.

(3) When used in or for purposes of this section:

(a) "Emergency health needs" means onsite management

1 and aid for illness or injury pending the student's return to
2 the classroom or release to a parent, guardian, designated
3 friend, or designated health care provider.

4 (b) "Entity" or "health care entity" means a unit of
5 local government or a political subdivision of the state; a
6 hospital licensed under chapter 395; a health maintenance
7 organization certified under chapter 641; a health insurer
8 authorized under the Florida Insurance Code; a community
9 health center; a migrant health center; a federally qualified
10 health center; an organization that meets the requirements for
11 nonprofit status under section 501(c)(3) of the Internal
12 Revenue Code; a private industry or business; or a
13 philanthropic foundation that agrees to participate in a
14 public-private partnership with a county health department,
15 local school district, or school in the delivery of school
16 health services, and agrees to the terms and conditions for
17 the delivery of such services as required by this section and
18 as documented in the local school health services plan.

19 (c)~~(b)~~ "Invasive screening" means any screening
20 procedure in which the skin or any body orifice is penetrated.

21 (d)~~(c)~~ "Physical examination" means a thorough
22 evaluation of the health status of an individual.

23 (e)~~(d)~~ "School health services plan" means the
24 document that describes the services to be provided, the
25 responsibility for provision of the services, the anticipated
26 expenditures to provide the services, and evidence of
27 cooperative planning by local school districts and county
28 health departments.

29 (f)~~(e)~~ "Screening" means presumptive identification of
30 unknown or unrecognized diseases or defects by the application
31 of tests that can be given with ease and rapidity to

1 apparently healthy persons.

2 (4) The Department of Health shall have the
3 responsibility, in cooperation with the Department of
4 Education, to supervise the administration of the school
5 health services program and perform periodic program reviews.
6 However, the principal of each school shall have immediate
7 supervisory authority over the health personnel working in the
8 school.

9 (5) Each county health department shall develop,
10 jointly with the district school board and the local school
11 health advisory committee, a school health services plan; and
12 the plan shall include, at a minimum, provisions for:

- 13 (a) Health appraisal;
- 14 (b) Records review;
- 15 (c) Nurse assessment;
- 16 (d) Nutrition assessment;
- 17 (e) A preventive dental program;
- 18 (f) Vision screening;
- 19 (g) Hearing screening;
- 20 (h) Scoliosis screening;
- 21 (i) Growth and development screening;
- 22 (j) Health counseling;
- 23 (k) Referral and followup of suspected or confirmed
24 health problems by the local county health department;
- 25 (l) Meeting emergency health needs in each school;
- 26 (m) County health department personnel to assist
27 school personnel in health education curriculum development;
- 28 (n) Referral of students to appropriate health
29 treatment, in cooperation with the private health community
30 whenever possible;
- 31 (o) Consultation with a student's parent or guardian

1 regarding the need for health attention by the family
2 physician, dentist, or other specialist when definitive
3 diagnosis or treatment is indicated;

4 (p) Maintenance of records on incidents of health
5 problems, corrective measures taken, and such other
6 information as may be needed to plan and evaluate health
7 programs; except, however, that provisions in the plan for
8 maintenance of health records of individual students must be
9 in accordance with s. 228.093;

10 (q) Health information which will be provided by the
11 school health nurses, when necessary, regarding the placement
12 of students in exceptional student programs and the
13 reevaluation at periodic intervals of students placed in such
14 programs; and

15 (r) Notification to the local nonpublic schools of the
16 school health services program and the opportunity for
17 representatives of the local nonpublic schools to participate
18 in the development of the cooperative health services plan.

19 (6) A nonpublic school may request to participate in
20 the school health services program. A nonpublic school
21 voluntarily participating in the school health services
22 program shall:

23 (a) Cooperate with the county health department and
24 district school board in the development of the cooperative
25 health services plan;

26 (b) Make available adequate physical facilities for
27 health services;

28 (c) Provide inservice health training to school
29 personnel;

30 (d) Cooperate with public health personnel in the
31 implementation of the school health services plan;

1 (e) Be subject to health service program reviews by
2 the Department of Health and the Department of Education; and

3 (f) At the beginning of each school year, inform
4 parents or guardians in writing that their children who are
5 students in the school will receive specified health services
6 as provided for in the district health services plan. A
7 student will be exempt from any of these services if his or
8 her parent or guardian requests such exemption in writing.
9 This paragraph shall not be construed to authorize invasive
10 screening; if there is a need for such procedure, the consent
11 of the student's parent or guardian shall be obtained in
12 writing prior to performing the screening. However, the laws
13 and rules relating to contagious or communicable diseases and
14 sanitary matters shall not be violated.

15 (7) The district school board shall:

16 (a) Coordinate the educational aspects of the school
17 health services program with the Florida Comprehensive Health
18 Education and Substance Abuse Prevention Act;

19 (b) Include health services and health education as
20 part of the comprehensive plan for the school district;

21 (c) Provide inservice health training for school
22 personnel;

23 (d) Make available adequate physical facilities for
24 health services; and

25 (e) At the beginning of each school year, inform
26 parents or guardians in writing that their children who are
27 students in the district schools will receive specified health
28 services as provided for in the district health services plan.
29 A student will be exempt from any of these services if his or
30 her parent or guardian requests such exemption in writing.
31 This paragraph shall not be construed to authorize invasive

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1 screening; if there is a need for such procedure, the consent
2 of the student's parent or guardian shall be obtained in
3 writing prior to performing the screening. However, the laws
4 and rules relating to contagious or communicable diseases and
5 sanitary matters shall not be violated.

6 (8) The Department of Health, in cooperation with the
7 Department of Education, may adopt rules necessary to
8 implement this section.

9 (9) In the absence of negligence, no person shall be
10 liable for any injury caused by an act or omission in the
11 administration of school health services.

12 (10) Any health care entity that provides school
13 health services under contract with the department pursuant to
14 a school health services plan developed under this section,
15 and as part of a school nurse services public-private
16 partnership, is deemed to be a corporation acting primarily as
17 an instrumentality of the state solely for the purpose of
18 limiting liability pursuant to s. 768.28(5). The limitations
19 on tort actions contained in s. 768.28(5) shall apply to any
20 action against the entity with respect to the provision of
21 school health services, if the entity is acting within the
22 scope of and pursuant to guidelines established in the
23 contract or by rule of the department. The contract must
24 require the entity, or the partnership on behalf of the
25 entity, to obtain general liability insurance coverage, with
26 any additional endorsement necessary to insure the entity for
27 liability assumed by its contract with the department. The
28 Legislature intends that insurance be purchased by entities,
29 or by partnerships on behalf of the entity, to cover all
30 liability claims, and under no circumstances shall the state
31 or the department be responsible for payment of any claims or

1 defense costs for claims brought against the entity or its
2 subcontractor for services performed under the contract with
3 the department. This subsection does not preclude
4 consideration by the Legislature for payment by the state of
5 any claims bill involving an entity contracting with the
6 department pursuant to this section.

7 Section 2. Section 381.0059, Florida Statutes, is
8 created to read:

9 381.0059 Background screening requirements for school
10 health services personnel.--

11 (1)(a) Any person who provides services under a school
12 health services plan pursuant to s. 381.0056 must complete
13 level 2 screening as provided in chapter 435. A person may
14 satisfy the requirements of this subsection by submitting
15 proof of compliance with the requirements of level 2 screening
16 under s. 435.04, conducted within 12 months before the date
17 that person initially provides services under a school health
18 services plan pursuant to s. 381.0056. Any person who provides
19 services under a school health services plan pursuant to s.
20 381.0056 shall be on probationary status pending the results
21 of the level 2 screening.

22 (b) In order to conduct level 2 screening, any person
23 who provides services under a school health services plan
24 pursuant to s. 381.0056 must furnish to the Department of
25 Health a full set of fingerprints to enable the department to
26 conduct a criminal background investigation. Each person who
27 provides services under a school health services plan pursuant
28 to s. 381.0056 must file a complete set of fingerprints taken
29 by an authorized law enforcement officer and must provide
30 sufficient information for a statewide criminal records
31 correspondence check through the Florida Department of Law

1 Enforcement. The Department of Health shall submit the
2 fingerprints to the Florida Department of Law Enforcement for
3 a statewide criminal history check, and the Florida Department
4 of Law Enforcement shall forward the fingerprints to the
5 Federal Bureau of Investigation for a national criminal
6 history check.

7 (c) The person subject to the required background
8 screening or his or her employer must pay the fees required to
9 obtain the background screening. Payment for the screening and
10 the abuse registry check must be submitted to the Department
11 of Health. The Florida Department of Law Enforcement shall
12 charge the Department of Health for a level 2 screening at a
13 rate sufficient to cover the costs of such screening pursuant
14 to s. 943.053(3). The Department of Health shall establish a
15 schedule of fees to cover the costs of the level 2 screening
16 and the abuse registry check. The applicant or his or her
17 employer who pays for the required screening may be reimbursed
18 by the Department of Health from funds designated for this
19 purpose.

20 (2)(a) When the Department of Health has reasonable
21 cause to believe that grounds exist for the disqualification
22 of any person providing services under a school health
23 services plan pursuant to s. 381.0056, as a result of
24 background screening, it shall notify the person in writing,
25 stating the specific record that indicates noncompliance with
26 the level 2 screening standards. The Department of Health must
27 disqualify any person from providing services under a school
28 health services plan pursuant to s. 381.0056 if the department
29 finds that the person is not in compliance with the level 2
30 screening standards. A person who provides services under a
31 school health plan pursuant to s. 381.0056 on a probationary

1 status and who is disqualified because of the results of his
2 or her background screening may contest that disqualification.

3 (b) As provided in s. 435.07, the Department of Health
4 may grant an exemption from disqualification to a person
5 providing services under a school health services plan
6 pursuant to s. 381.0056 who has not received a professional
7 license or certification from the Department of Health.

8 (c) As provided in s. 435.07, the Department of Health
9 may grant an exemption from disqualification to a person
10 providing services under a school health services plan
11 pursuant to s. 381.0056 who has received a professional
12 license or certification from the Department of Health.

13 (3) Any person who is required to undergo the
14 background screening to provide services under a school health
15 plan pursuant to s. 381.0056 who refuses to cooperate in such
16 screening or refuses to submit the information necessary to
17 complete the screening, including fingerprints, shall be
18 disqualified for employment or volunteering in such position
19 or, if employed, shall be dismissed.

20 (4) Under penalty of perjury, each person who provides
21 services under a school health plan pursuant to s. 381.0056
22 must attest to meeting the level 2 screening requirements for
23 participation under the plan and agree to inform the
24 Department of Health immediately if convicted of any
25 disqualifying offense while providing services under a school
26 health services plan pursuant to s. 381.0056.

27 Section 3. The Department of Health shall explore,
28 with the federal Department of Health and Human Services, ways
29 by which units of local government, other than county health
30 departments, which participate in a school nurse services
31 public-private partnership developed under section 381.0058,

1 Florida Statutes, may be entitled to designation as Title V
2 (Maternal and Child Health Block Grant) agencies. If the
3 federal Department of Health and Human Services approves, the
4 department shall adopt by rule the criteria and guidelines
5 necessary to ensure oversight, flexibility, and accountability
6 for purposes of granting such a designation. This designation
7 is not intended to obligate any direct funding to the
8 designated entity from the Title V funds of the Department of
9 Health. Any money earned from Medicaid by such a designated
10 entity must be reinvested in the school health services.

11 Section 4. The Department of Health shall study the
12 feasibility of requiring additional training for nurses
13 providing school health services. The Secretary of Health
14 shall appoint two representatives from each of the following
15 entities to serve on a study group: the Department of Health;
16 the Department of Education; the Florida Nurses Association;
17 the State University System; and the Board of Nursing. The
18 Secretary of Health shall appoint a member of the study group
19 to serve as chair. Members of the study group shall serve
20 without compensation. The study group shall ascertain which
21 services are being rendered and which aspects of these
22 services are sufficiently unique to justify specific training
23 in preparation for the delivery of such services; the
24 appropriate duration for and content of a training curriculum
25 for school health nurses; the costs and availability of
26 training programs and resources for such training programs;
27 the number of nurses currently employed in a school health
28 capacity and whether these nurses require additional training
29 or should be grandfathered-in; the factors that motivate
30 nurses to seek such additional training; and any existing
31 national training programs and their suitability for

1 application in this state. The department shall report the
2 findings and recommendations of the work group to the
3 Governor, the President of the Senate, and the Speaker of the
4 House of Representatives by February 1, 2000.

5 Section 5. This act shall take effect July 1, 1999.

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8 ===== T I T L E A M E N D M E N T =====

9 And the title is amended as follows:

10 On page 1, line 2, through page 2, line 6,
11 remove from the title of the bill: all of said lines
12
13 and insert in lieu thereof:

14 An act relating to school health services;
15 amending s. 381.0056, F.S.; defining the term
16 "entity" or "health care entity"; requiring
17 that certain services be documented in a local
18 school health services plan; providing that
19 certain entities providing school health
20 services under contract with the Department of
21 Health are instrumentalities of the state for
22 certain purposes; providing limitations on tort
23 actions; requiring such contractor to require
24 providers to obtain certain liability insurance
25 coverage; creating s. 381.0059, F.S., relating
26 to background screening requirements for school
27 health services providers; specifying the
28 persons who must submit to such screening;
29 specifying payment for screening services;
30 providing grounds for disqualification;
31 requiring certain attestation to screening

1 requirements; directing the Department of
2 Health to determine a means by which certain
3 units of local government may receive a
4 designation for purposes of federal Title V
5 programs; requiring a study of training
6 requirements for school health nurses;
7 providing an effective date.

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