

1 A bill to be entitled
2 An act relating to school health services;
3 providing a short title; amending s. 381.0056,
4 F.S.; defining the term "entity" or "health
5 care entity"; requiring that certain services
6 be documented in a local school health services
7 plan; providing that certain entities providing
8 school health services under contract with the
9 Department of Health are instrumentalities of
10 the state for certain purposes; providing
11 limitations on tort actions; requiring such
12 contractor to require providers to obtain
13 certain liability insurance coverage; creating
14 s. 381.0058, F.S., relating to public-private
15 partnerships for the provision of school nurse
16 services; providing legislative intent and
17 purpose; providing departmental duties;
18 providing a proposal submission and review
19 process; providing for the scope of services to
20 be provided; providing for review and selection
21 criteria; creating s. 381.0059, F.S., relating
22 to background screening requirements for school
23 health services providers; specifying the
24 persons who must submit to such screening;
25 specifying payment for screening services;
26 providing grounds for disqualification;
27 requiring certain attestation to screening
28 requirements; amending s. 409.9071, F.S.;
29 deleting reference to billing agent consulting
30 services; directing the Department of Health to
31 determine a means by which certain units of

1 local government may receive a designation for
2 purposes of federal Title V programs; requiring
3 a study of training requirements for school
4 health nurses; providing legislative intent
5 relating to funding of the act; providing
6 appropriations; providing an effective date.
7

8 Be It Enacted by the Legislature of the State of Florida:
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10 Section 1. This act may be cited as the "One School,
11 One Nurse Act."

12 Section 2. Section 381.0056, Florida Statutes, is
13 amended to read:

14 381.0056 School health services program.--

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

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

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

26 (a) "Emergency health needs" means onsite management
27 and aid for illness or injury pending the student's return to
28 the classroom or release to a parent, guardian, designated
29 friend, or designated health care provider.

30 (b) "Entity" or "health care entity" means a unit of
31 local government or a political subdivision of the state; a

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

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

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

18 (e)~~(d)~~ "School health services plan" means the
19 document that describes the services to be provided, the
20 responsibility for provision of the services, the anticipated
21 expenditures to provide the services, and evidence of
22 cooperative planning by local school districts and county
23 health departments.

24 (f)~~(e)~~ "Screening" means presumptive identification of
25 unknown or unrecognized diseases or defects by the application
26 of tests that can be given with ease and rapidity to
27 apparently healthy persons.

28 (4) The Department of Health shall have the
29 responsibility, in cooperation with the Department of
30 Education, to supervise the administration of the school
31 health services program and perform periodic program reviews.

1 However, the principal of each school shall have immediate
2 supervisory authority over the health personnel working in the
3 school.

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

- 8 (a) Health appraisal;
9 (b) Records review;
10 (c) Nurse assessment;
11 (d) Nutrition assessment;
12 (e) A preventive dental program;
13 (f) Vision screening;
14 (g) Hearing screening;
15 (h) Scoliosis screening;
16 (i) Growth and development screening;
17 (j) Health counseling;
18 (k) Referral and followup of suspected or confirmed
19 health problems by the local county health department;
20 (l) Meeting emergency health needs in each school;
21 (m) County health department personnel to assist
22 school personnel in health education curriculum development;
23 (n) Referral of students to appropriate health
24 treatment, in cooperation with the private health community
25 whenever possible;
26 (o) Consultation with a student's parent or guardian
27 regarding the need for health attention by the family
28 physician, dentist, or other specialist when definitive
29 diagnosis or treatment is indicated;
30 (p) Maintenance of records on incidents of health
31 problems, corrective measures taken, and such other

1 information as may be needed to plan and evaluate health
2 programs; except, however, that provisions in the plan for
3 maintenance of health records of individual students must be
4 in accordance with s. 228.093;

5 (q) Health information which will be provided by the
6 school health nurses, when necessary, regarding the placement
7 of students in exceptional student programs and the
8 reevaluation at periodic intervals of students placed in such
9 programs; and

10 (r) Notification to the local nonpublic schools of the
11 school health services program and the opportunity for
12 representatives of the local nonpublic schools to participate
13 in the development of the cooperative health services plan.

14 (6) A nonpublic school may request to participate in
15 the school health services program. A nonpublic school
16 voluntarily participating in the school health services
17 program shall:

18 (a) Cooperate with the county health department and
19 district school board in the development of the cooperative
20 health services plan;

21 (b) Make available adequate physical facilities for
22 health services;

23 (c) Provide inservice health training to school
24 personnel;

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

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

29 (f) At the beginning of each school year, inform
30 parents or guardians in writing that their children who are
31 students in the school will receive specified health services

1 as provided for in the district health services plan. A
2 student will be exempt from any of these services if his or
3 her parent or guardian requests such exemption in writing.
4 This paragraph shall not be construed to authorize invasive
5 screening; if there is a need for such procedure, the consent
6 of the student's parent or guardian shall be obtained in
7 writing prior to performing the screening. However, the laws
8 and rules relating to contagious or communicable diseases and
9 sanitary matters shall not be violated.

10 (7) The district school board shall:

11 (a) Coordinate the educational aspects of the school
12 health services program with the Florida Comprehensive Health
13 Education and Substance Abuse Prevention Act;

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

16 (c) Provide inservice health training for school
17 personnel;

18 (d) Make available adequate physical facilities for
19 health services; and

20 (e) At the beginning of each school year, inform
21 parents or guardians in writing that their children who are
22 students in the district schools will receive specified health
23 services as provided for in the district health services plan.
24 A student will be exempt from any of these services if his or
25 her parent or guardian requests such exemption in writing.
26 This paragraph shall not be construed to authorize invasive
27 screening; if there is a need for such procedure, the consent
28 of the student's parent or guardian shall be obtained in
29 writing prior to performing the screening. However, the laws
30 and rules relating to contagious or communicable diseases and
31 sanitary matters shall not be violated.

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

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

7 (10) Any health care entity that provides school
8 health services under contract with the department pursuant to
9 a school health services plan developed under this section,
10 and as part of a school nurse services public-private
11 partnership, is deemed to be a corporation acting primarily as
12 an instrumentality of the state solely for the purpose of
13 limiting liability pursuant to s. 768.28(5). The limitations
14 on tort actions contained in s. 768.28(5) shall apply to any
15 action against the entity with respect to the provision of
16 school health services, if the entity is acting within the
17 scope of and pursuant to guidelines established in the
18 contract or by rule of the department. The contract must
19 require the entity, or the partnership on behalf of the
20 entity, to obtain general liability insurance coverage, with
21 any additional endorsement necessary to insure the entity for
22 liability assumed by its contract with the department. The
23 Legislature intends that insurance be purchased by entities,
24 or by partnerships on behalf of the entity, to cover all
25 liability claims, and under no circumstances shall the state
26 or the department be responsible for payment of any claims or
27 defense costs for claims brought against the entity or its
28 subcontractor for services performed under the contract with
29 the department. This subsection does not preclude
30 consideration by the Legislature for payment by the state of

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1 any claims bill involving an entity contracting with the
2 department pursuant to this section.

3 Section 3. Section 381.0058, Florida Statutes, is
4 created to read:

5 381.0058 Matching funds for school nurse services
6 public-private partnerships.--

7 (1) It is the intent of the Legislature that matching
8 funds, in addition to those provided under s. 381.0056 for the
9 School Health Services Act and s. 381.0057 for school health
10 services funding, be provided in those communities where
11 interest in school health services is evidenced by the
12 participation of public or private entities in the funding or
13 delivery of school nurse services. The purpose of this funding
14 is to encourage the development of those programs that offer
15 the greatest potential for promoting the health of students,
16 increasing the availability of and access to nurses in the
17 school setting, and fostering greater community participation
18 in the delivery of school nurse services. Matching funds shall
19 be available, subject to appropriation, specifically for
20 implementation of programs as described in ss. 381.0056,
21 381.0057, and 402.3026, and that are designed to meet the
22 particular needs of the community.

23 (2) The Secretary of Health, or his or her designee,
24 in cooperation with the Commissioner of Education, or his or
25 her designee, shall publicize the availability of matching
26 funds for public and private entities committed to enhancing
27 the availability of school nurse service, as reflected in
28 formal agreements that are part of the local school health
29 services plan.

30 (3) The Secretary of Health, or his or her designees,
31 in cooperation with the Commissioner of Education, or his or

1 her designees, in equal representation, shall form a committee
2 to determine the eligibility of sites to receive matching
3 funds.

4 (4) Any community that seeks to receive state matching
5 funds under this section must submit a proposal to the
6 committee established in subsection (3). The proposal must
7 state the goals of the program, provide specific plans for
8 enhancing local resources available for school nurse services,
9 and describe all of the health services to be made available
10 to students from matching funds provided under this section. A
11 county health department or school district receiving matching
12 funds may not supplant more than 50 percent of the current
13 local contributions to school health services funding, as
14 documented in the local school health services plan.

15 (5) In addition to the merits of a proposal, the award
16 of matching funds must be based on those proposals from sites
17 that include county health departments and school districts
18 that most closely meet the following criteria:

19 (a) Have evidence of a comprehensive inservice staff
20 development plan.

21 (b) Have evidence of a cooperative working
22 relationship between the county health department and the
23 school district and have community as well as parental
24 support.

25 (c) Have a high percentage of subsidized school
26 lunches.

27 (d) Have a high incidence of medically underserved
28 high-risk children, low-birthweight babies, infant mortality,
29 or teenage pregnancy.

30 (e) Have a high incidence of children with chronic
31 health conditions or high-risk behavioral problems.

1 (f) Have documented in the local school health
2 services plan a commitment from community entities to fund or
3 provide other direct resources for the enhanced availability
4 of school health services.

5 (g) Have a plan to ensure billing for Medicaid funding
6 for services rendered under the certified school match program
7 or the county health department certified match program as
8 specified in s. 409.9122.

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10 While these criteria are part of the proposal review process,
11 these criteria are not to be construed as the sole factors to
12 be considered in the proposal review process. The ability and
13 interest of a site in addressing locally identified needs and
14 priorities must also be considered. In addition, receipt of
15 matching funds is not intended to diminish a site's
16 eligibility for base funding for school health services.

17 Section 4. Section 381.0059, Florida Statutes, is
18 created to read:

19 381.0059 Background screening requirements for school
20 health services personnel.--

21 (1)(a) Any person who provides services under a school
22 health services plan pursuant to s. 381.0056 must complete
23 level 2 screening as provided in chapter 435. A person may
24 satisfy the requirements of this subsection by submitting
25 proof of compliance with the requirements of level 2 screening
26 under s. 435.04, conducted within 12 months before the date
27 that person initially provides services under a school health
28 services plan pursuant to s. 381.0056. Any person who provides
29 services under a school health services plan pursuant to s.
30 381.0056 shall be on probationary status pending the results
31 of the level 2 screening.

1 (b) In order to conduct level 2 screening, any person
2 who provides services under a school health services plan
3 pursuant to s. 381.0056 must furnish to the Department of
4 Health a full set of fingerprints to enable the department to
5 conduct a criminal background investigation. Each person who
6 provides services under a school health services plan pursuant
7 to s. 381.0056 must file a complete set of fingerprints taken
8 by an authorized law enforcement officer and must provide
9 sufficient information for a statewide criminal records
10 correspondence check through the Florida Department of Law
11 Enforcement. The Department of Health shall submit the
12 fingerprints to the Florida Department of Law Enforcement for
13 a statewide criminal history check, and the Florida Department
14 of Law Enforcement shall forward the fingerprints to the
15 Federal Bureau of Investigation for a national criminal
16 history check.

17 (c) The person subject to the required background
18 screening or his or her employer must pay the fees required to
19 obtain the background screening. Payment for the screening and
20 the abuse registry check must be submitted to the Department
21 of Health. The Florida Department of Law Enforcement shall
22 charge the Department of Health for a level 2 screening at a
23 rate sufficient to cover the costs of such screening pursuant
24 to s. 943.053(3). The Department of Health shall establish a
25 schedule of fees to cover the costs of the level 2 screening
26 and the abuse registry check. The applicant or his or her
27 employer who pays for the required screening may be reimbursed
28 by the Department of Health from funds designated for this
29 purpose.

30 (2)(a) When the Department of Health has reasonable
31 cause to believe that grounds exist for the disqualification

1 of any person providing services under a school health
2 services plan pursuant to s. 381.0056, as a result of
3 background screening, it shall notify the person in writing,
4 stating the specific record that indicates noncompliance with
5 the level 2 screening standards. The Department of Health must
6 disqualify any person from providing services under a school
7 health services plan pursuant to s. 381.0056 if the department
8 finds that the person is not in compliance with the level 2
9 screening standards. A person who provides services under a
10 school health plan pursuant to s. 381.0056 on a probationary
11 status and who is disqualified because of the results of his
12 or her background screening may contest that disqualification.

13 (b) As provided in s. 435.07, the Department of Health
14 may grant an exemption from disqualification to a person
15 providing services under a school health services plan
16 pursuant to s. 381.0056 who has not received a professional
17 license or certification from the Department of Health.

18 (c) As provided in s. 435.07, the Department of Health
19 may grant an exemption from disqualification to a person
20 providing services under a school health services plan
21 pursuant to s. 381.0056 who has received a professional
22 license or certification from the Department of Health.

23 (3) Any person who is required to undergo the
24 background screening to provide services under a school health
25 plan pursuant to s. 381.0056 who refuses to cooperate in such
26 screening or refuses to submit the information necessary to
27 complete the screening, including fingerprints, shall be
28 disqualified for employment or volunteering in such position
29 or, if employed, shall be dismissed.

30 (4) Under penalty of perjury, each person who provides
31 services under a school health plan pursuant to s. 381.0056

1 must attest to meeting the level 2 screening requirements for
2 participation under the plan and agree to inform the
3 Department of Health immediately if convicted of any
4 disqualifying offense while providing services under a school
5 health services plan pursuant to s. 381.0056.

6 Section 5. Subsection (1) of section 409.9071, Florida
7 Statutes, is amended to read:

8 409.9071 Medicaid provider agreements for school
9 districts certifying state match.--

10 (1) The agency shall submit a state plan amendment by
11 September 1, 1997, for the purpose of obtaining federal
12 authorization to reimburse school-based services as provided
13 in s. 236.0812 pursuant to the rehabilitative services option
14 provided under 42 U.S.C. s. 1396d(a)(13). ~~For purposes of this~~
15 ~~section, billing agent consulting services shall be considered~~
16 ~~billing agent services, as that term is used in s. 409.913(9),~~
17 ~~and, as such, payments to such persons shall not be based on~~
18 ~~amounts for which they bill nor based on the amount a provider~~
19 ~~receives from the Medicaid program. This provision shall not~~
20 ~~restrict privatization of Medicaid school-based services.~~

21 Subject to any limitations provided for in the General
22 Appropriations Act, the agency, in compliance with appropriate
23 federal authorization, shall develop policies and procedures
24 and shall allow for certification of state and local education
25 funds which have been provided for school-based services as
26 specified in s. 236.0812 and authorized by a physician's order
27 where required by federal Medicaid law. Any state or local
28 funds certified pursuant to this section shall be for children
29 with specified disabilities who are eligible for both Medicaid
30 and part B or part H of the Individuals with Disabilities

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1 Education Act (IDEA), or the exceptional student education
2 program, or who have an individualized educational plan.

3 Section 6. The Department of Health shall explore,
4 with the federal Department of Health and Human Services, ways
5 by which units of local government, other than county health
6 departments, which participate in a school nurse services
7 public-private partnership developed under section 381.0058,
8 Florida Statutes, may be entitled to designation as Title V
9 (Maternal and Child Health Block Grant) agencies. If the
10 federal Department of Health and Human Services approves, the
11 department shall adopt by rule the criteria and guidelines
12 necessary to ensure oversight, flexibility, and accountability
13 for purposes of granting such a designation. This designation
14 is not intended to obligate any direct funding to the
15 designated entity from the Title V funds of the Department of
16 Health. Any money earned from Medicaid by such a designated
17 entity must be reinvested in the school nurse services
18 public-private partnership.

19 Section 7. The Department of Health shall study the
20 feasibility of requiring additional training for nurses
21 providing school health services. The Secretary of Health
22 shall appoint two representatives from each of the following
23 entities to serve on a study group: the Department of Health;
24 the Department of Education; the Florida Nurses Association;
25 the State University System; and the Board of Nursing. The
26 Secretary of Health shall appoint a member of the study group
27 to serve as chair. Members of the study group shall serve
28 without compensation but are entitled to reimbursement from
29 existing resources of their employing organization for per
30 diem and travel expenses incurred in the performance of their
31 duties, as provided in section 112.061, Florida Statutes. The

1 study group shall ascertain which services are being rendered
2 and which aspects of these services are sufficiently unique to
3 justify specific training in preparation for the delivery of
4 such services; the appropriate duration for and content of a
5 training curriculum for school health nurses; the costs and
6 availability of training programs and resources for such
7 training programs; the number of nurses currently employed in
8 a school health capacity and whether these nurses require
9 additional training or should be grandfathered-in; the factors
10 that motivate nurses to seek such additional training; and any
11 existing national training programs and their suitability for
12 application in this state. The department shall report the
13 findings and recommendations of the work group to the
14 Governor, the President of the Senate, and the Speaker of the
15 House of Representatives by February 1, 2000.

16 Section 8. Legislative intent; funding.--It is the
17 intent of the Legislature that resources be made available,
18 subject to appropriation, to fund a nurse in every public
19 school in the state, pursuant to this act. The Legislature
20 recognizes that extensive resources will be necessary to
21 achieve this intent, and that a portion of these resources can
22 be found from a variety of existing resources. The Legislature
23 recognizes that existing funding for basic and comprehensive
24 school health services and full service schools, as created
25 under sections 381.0056 and 381.0057, Florida Statutes, can be
26 used as partial funding. The Legislature further recognizes
27 that funding earned by local school districts and county
28 health departments from the Agency for Health Care
29 Administration from the delivery of services to
30 Medicaid-eligible students can also be used as partial
31 funding. Finally, the Legislature recognizes that another

1 source of funding is local funding currently being used for
2 school health services, which can now be eligible for matching
3 funds under school nurse services public-private partnerships
4 as created by this act.

5 Section 9. The sum of \$75,000 is appropriated from
6 nonrecurring General Revenue to the Department of Health for
7 the purpose of convening a school health summit by January 31,
8 2000, as recommended by Senate Interim Project Report 98-30,
9 September 1998.

10 Section 10. This act shall take effect July 1, 1999.