

1                                   A bill to be entitled  
2           An act relating to school health services;  
3           amending s. 381.0056, F.S.; defining the term  
4           "entity" or "health care entity"; requiring  
5           that certain services be documented in a local  
6           school health services plan; providing that  
7           certain entities providing school health  
8           services under contract with the Department of  
9           Health are instrumentalities of the state for  
10          certain purposes; providing limitations on tort  
11          actions; requiring such contractor to require  
12          providers to obtain certain liability insurance  
13          coverage; creating s. 381.0059, F.S., relating  
14          to background screening requirements for school  
15          health services providers; specifying the  
16          persons who must submit to such screening;  
17          specifying payment for screening services;  
18          providing grounds for disqualification;  
19          requiring certain attestation to screening  
20          requirements; directing the Department of  
21          Health to determine a means by which certain  
22          units of local government may receive a  
23          designation for purposes of federal Title V  
24          programs; requiring a study of training  
25          requirements for school health nurses;  
26          providing an effective date.

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28   Be It Enacted by the Legislature of the State of Florida:

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

1           381.0056 School health services program.--

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

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

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

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

17           (b) "Entity" or "health care entity" means a unit of  
18 local government or a political subdivision of the state; a  
19 hospital licensed under chapter 395; a health maintenance  
20 organization certified under chapter 641; a health insurer  
21 authorized under the Florida Insurance Code; a community  
22 health center; a migrant health center; a federally qualified  
23 health center; an organization that meets the requirements for  
24 nonprofit status under section 501(c)(3) of the Internal  
25 Revenue Code; a private industry or business; or a  
26 philanthropic foundation that agrees to participate in a  
27 public-private partnership with a county health department,  
28 local school district, or school in the delivery of school  
29 health services, and agrees to the terms and conditions for  
30 the delivery of such services as required by this section and  
31 as documented in the local school health services plan.

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

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

5           ~~(e)~~(d) "School health services plan" means the  
6 document that describes the services to be provided, the  
7 responsibility for provision of the services, the anticipated  
8 expenditures to provide the services, and evidence of  
9 cooperative planning by local school districts and county  
10 health departments.

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

15           (4) The Department of Health shall have the  
16 responsibility, in cooperation with the Department of  
17 Education, to supervise the administration of the school  
18 health services program and perform periodic program reviews.  
19 However, the principal of each school shall have immediate  
20 supervisory authority over the health personnel working in the  
21 school.

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

26           (a) Health appraisal;

27           (b) Records review;

28           (c) Nurse assessment;

29           (d) Nutrition assessment;

30           (e) A preventive dental program;

31           (f) Vision screening;

- 1 (g) Hearing screening;
- 2 (h) Scoliosis screening;
- 3 (i) Growth and development screening;
- 4 (j) Health counseling;
- 5 (k) Referral and followup of suspected or confirmed  
6 health problems by the local county health department;
- 7 (l) Meeting emergency health needs in each school;
- 8 (m) County health department personnel to assist  
9 school personnel in health education curriculum development;
- 10 (n) Referral of students to appropriate health  
11 treatment, in cooperation with the private health community  
12 whenever possible;
- 13 (o) Consultation with a student's parent or guardian  
14 regarding the need for health attention by the family  
15 physician, dentist, or other specialist when definitive  
16 diagnosis or treatment is indicated;
- 17 (p) Maintenance of records on incidents of health  
18 problems, corrective measures taken, and such other  
19 information as may be needed to plan and evaluate health  
20 programs; except, however, that provisions in the plan for  
21 maintenance of health records of individual students must be  
22 in accordance with s. 228.093;
- 23 (q) Health information which will be provided by the  
24 school health nurses, when necessary, regarding the placement  
25 of students in exceptional student programs and the  
26 reevaluation at periodic intervals of students placed in such  
27 programs; and
- 28 (r) Notification to the local nonpublic schools of the  
29 school health services program and the opportunity for  
30 representatives of the local nonpublic schools to participate  
31 in the development of the cooperative health services plan.

1           (6) A nonpublic school may request to participate in  
2 the school health services program. A nonpublic school  
3 voluntarily participating in the school health services  
4 program shall:

5           (a) Cooperate with the county health department and  
6 district school board in the development of the cooperative  
7 health services plan;

8           (b) Make available adequate physical facilities for  
9 health services;

10          (c) Provide inservice health training to school  
11 personnel;

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

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

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

28          (7) The district school board shall:

29          (a) Coordinate the educational aspects of the school  
30 health services program with the Florida Comprehensive Health  
31 Education and Substance Abuse Prevention Act;

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

3 (c) Provide inservice health training for school  
4 personnel;

5 (d) Make available adequate physical facilities for  
6 health services; and

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

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

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

25 (10) Any health care entity that provides school  
26 health services under contract with the department pursuant to  
27 a school health services plan developed under this section,  
28 and as part of a school nurse services public-private  
29 partnership, is deemed to be a corporation acting primarily as  
30 an instrumentality of the state solely for the purpose of  
31 limiting liability pursuant to s. 768.28(5). The limitations

1 on tort actions contained in s. 768.28(5) shall apply to any  
2 action against the entity with respect to the provision of  
3 school health services, if the entity is acting within the  
4 scope of and pursuant to guidelines established in the  
5 contract or by rule of the department. The contract must  
6 require the entity, or the partnership on behalf of the  
7 entity, to obtain general liability insurance coverage, with  
8 any additional endorsement necessary to insure the entity for  
9 liability assumed by its contract with the department. The  
10 Legislature intends that insurance be purchased by entities,  
11 or by partnerships on behalf of the entity, to cover all  
12 liability claims, and under no circumstances shall the state  
13 or the department be responsible for payment of any claims or  
14 defense costs for claims brought against the entity or its  
15 subcontractor for services performed under the contract with  
16 the department. This subsection does not preclude  
17 consideration by the Legislature for payment by the state of  
18 any claims bill involving an entity contracting with the  
19 department pursuant to this section.

20 Section 2. Section 381.0059, Florida Statutes, is  
21 created to read:

22 381.0059 Background screening requirements for school  
23 health services personnel.--

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

1 services under a school health services plan pursuant to s.  
2 381.0056 shall be on probationary status pending the results  
3 of the level 2 screening.

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

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

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1 by the Department of Health from funds designated for this  
2 purpose.

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

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

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

27 (3) Any person who is required to undergo the  
28 background screening to provide services under a school health  
29 plan pursuant to s. 381.0056 who refuses to cooperate in such  
30 screening or refuses to submit the information necessary to  
31 complete the screening, including fingerprints, shall be

1 disqualified for employment or volunteering in such position  
2 or, if employed, shall be dismissed.

3 (4) Under penalty of perjury, each person who provides  
4 services under a school health plan pursuant to s. 381.0056  
5 must attest to meeting the level 2 screening requirements for  
6 participation under the plan and agree to inform the  
7 Department of Health immediately if convicted of any  
8 disqualifying offense while providing services under a school  
9 health services plan pursuant to s. 381.0056.

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

25 Section 4. The Department of Health shall study the  
26 feasibility of requiring additional training for nurses  
27 providing school health services. The Secretary of Health  
28 shall appoint two representatives from each of the following  
29 entities to serve on a study group: the Department of Health;  
30 the Department of Education; the Florida Nurses Association;  
31 the State University System; and the Board of Nursing. The

1 Secretary of Health shall appoint a member of the study group  
2 to serve as chair. Members of the study group shall serve  
3 without compensation. The study group shall ascertain which  
4 services are being rendered and which aspects of these  
5 services are sufficiently unique to justify specific training  
6 in preparation for the delivery of such services; the  
7 appropriate duration for and content of a training curriculum  
8 for school health nurses; the costs and availability of  
9 training programs and resources for such training programs;  
10 the number of nurses currently employed in a school health  
11 capacity and whether these nurses require additional training  
12 or should be grandfathered-in; the factors that motivate  
13 nurses to seek such additional training; and any existing  
14 national training programs and their suitability for  
15 application in this state. The department shall report the  
16 findings and recommendations of the work group to the  
17 Governor, the President of the Senate, and the Speaker of the  
18 House of Representatives by February 1, 2000.

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