

By Representative Murman

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" for purposes
5 of the school health services program;
6 requiring the district school board and each
7 nonpublic school participating in the program
8 to make available adequate physical facilities
9 for health services; creating s. 381.0058,
10 F.S.; providing for matching funds for the
11 provision of school nurse services under
12 public-private partnerships; providing
13 legislative intent and purpose; providing
14 departmental duties; providing a proposal
15 submission and review process; providing for
16 the scope of services to be provided; providing
17 for review and selection criteria; creating s.
18 381.0059, F.S.; providing background screening
19 requirements for school health services
20 providers; specifying the persons who must
21 submit to such screening; specifying payment
22 for screening services; providing grounds for
23 disqualification; providing for exemptions from
24 disqualification; requiring certain attestation
25 to screening requirements; requiring a study of
26 training requirements for school health nurses;
27 providing for reimbursement for certain
28 expenses for members of the study group;
29 requiring a report; providing legislative
30 intent relating to funding of school nursing
31 services and providing an appropriation

1 therefor; providing an appropriation for a
2 school health summit; providing an effective
3 date.
4

5 Be It Enacted by the Legislature of the State of Florida:
6

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

9 381.0056 School health services program.--

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

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

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

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

25 (b) "Entity" or "health care entity" means a unit of
26 local government or a political subdivision of the state; a
27 hospital licensed under chapter 395; a health maintenance
28 organization certified under chapter 641; a health insurer
29 authorized under the Florida Insurance Code; a community
30 health center; a migrant health center; a federally qualified
31 health center; an organization that meets the requirements for

1 nonprofit status under section 501(c)(3) of the Internal
2 Revenue Code; a private industry or business; or a
3 philanthropic foundation that agrees to participate in a
4 public-private partnership with a county health department,
5 local school district, or school in the delivery of school
6 health services, and agrees to the terms and conditions for
7 the delivery of such services as required by this section and
8 as documented in the local school health services plan.

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

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

13 (e)~~(d)~~ "School health services plan" means the
14 document that describes the services to be provided, the
15 responsibility for provision of the services, the anticipated
16 expenditures to provide the services, and evidence of
17 cooperative planning by local school districts and county
18 health departments.

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

23 (4) The Department of Health shall have the
24 responsibility, in cooperation with the Department of
25 Education, to supervise the administration of the school
26 health services program and perform periodic program reviews.
27 However, the principal of each school shall have immediate
28 supervisory authority over the health personnel working in the
29 school.

30 (5) Each county health department shall develop,
31 jointly with the district school board and the local school

1 health advisory committee, a school health services plan; and
2 the plan shall include, at a minimum, provisions for:
3 (a) Health appraisal;
4 (b) Records review;
5 (c) Nurse assessment;
6 (d) Nutrition assessment;
7 (e) A preventive dental program;
8 (f) Vision screening;
9 (g) Hearing screening;
10 (h) Scoliosis screening;
11 (i) Growth and development screening;
12 (j) Health counseling;
13 (k) Referral and followup of suspected or confirmed
14 health problems by the local county health department;
15 (l) Meeting emergency health needs in each school;
16 (m) County health department personnel to assist
17 school personnel in health education curriculum development;
18 (n) Referral of students to appropriate health
19 treatment, in cooperation with the private health community
20 whenever possible;
21 (o) Consultation with a student's parent or guardian
22 regarding the need for health attention by the family
23 physician, dentist, or other specialist when definitive
24 diagnosis or treatment is indicated;
25 (p) Maintenance of records on incidents of health
26 problems, corrective measures taken, and such other
27 information as may be needed to plan and evaluate health
28 programs; except, however, that provisions in the plan for
29 maintenance of health records of individual students must be
30 in accordance with s. 228.093;
31

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

6 (r) Notification to the local nonpublic schools of the
7 school health services program and the opportunity for
8 representatives of the local nonpublic schools to participate
9 in the development of the cooperative health services plan.

10 (6) A nonpublic school may request to participate in
11 the school health services program. A nonpublic school
12 voluntarily participating in the school health services
13 program shall:

14 (a) Cooperate with the county health department and
15 district school board in the development of the cooperative
16 health services plan;

17 (b) Make available adequate physical facilities for
18 health services;

19 (c) Provide inservice health training to school
20 personnel;

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

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

25 (f) At the beginning of each school year, inform
26 parents or guardians in writing that their children who are
27 students in the school will receive specified health services
28 as provided for in the district health services plan. A
29 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

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 (7) The district school board shall:

7 (a) Coordinate the educational aspects of the school
8 health services program with the Florida Comprehensive Health
9 Education and Substance Abuse Prevention Act;

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

12 (c) Provide inservice health training for school
13 personnel;

14 (d) Make available adequate physical facilities for
15 health services; and

16 (e) At the beginning of each school year, inform
17 parents or guardians in writing that their children who are
18 students in the district schools will receive specified health
19 services as provided for in the district health services plan.
20 A 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 (8) The Department of Health, in cooperation with the
29 Department of Education, may adopt rules necessary to
30 implement this section.

31

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

4 Section 2. Section 381.0058, Florida Statutes, is
5 created to read:

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

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

26 (2) The Secretary of Health, or his or her designee,
27 in cooperation with the Commissioner of Education, or his or
28 her designee, shall publicize the availability of matching
29 funds for public and private entities committed to enhancing
30 the availability of school nurse service, as reflected in
31

1 formal agreements that are part of the local school health
2 services plan.

3 (3) The Secretary of Health, or his or her designees,
4 in cooperation with the Commissioner of Education, or his or
5 her designees, in equal representation, shall form a committee
6 to determine the eligibility of sites to receive matching
7 funds.

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

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

23 (a) Have evidence of a comprehensive inservice staff
24 development plan.

25 (b) Have evidence of a cooperative working
26 relationship between the county health department and the
27 school district and have community as well as parental
28 support.

29 (c) Have a high percentage of subsidized school
30 lunches.

31

1 (d) Have a high incidence of medically underserved
2 high-risk children, low-birthweight babies, infant mortality,
3 or teenage pregnancy.

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

6 (f) Have documented in the local school health
7 services plan a commitment from community entities to fund or
8 provide other direct resources for the enhanced availability
9 of school health services.

10 (g) Have a plan to ensure billing for Medicaid funding
11 for services rendered under the certified school match program
12 or the county health department certified match program as
13 specified in s. 409.9122.

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

22 Section 3. Section 381.0059, Florida Statutes, is
23 created to read:

24 381.0059 Background screening requirements for school
25 health services personnel.--

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

1 that person initially provides services under a school health
2 services plan pursuant to s. 381.0056. Any person who provides
3 services under a school health services plan pursuant to s.
4 381.0056 shall be on probationary status pending the results
5 of the level 2 screening.

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

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

1 employer who pays for the required screening may be reimbursed
2 by the Department of Health from funds designated for this
3 purpose.

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

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

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

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

8 Section 4. The Department of Health shall study the
9 feasibility of requiring additional training for nurses
10 providing school health services. The Secretary of Health
11 shall appoint two representatives from each of the following
12 entities to serve on a study group: the Department of Health;
13 the Department of Education; the Florida Nurses Association;
14 the State University System; and the Board of Nursing. The
15 Secretary of Health shall appoint a member of the study group
16 to serve as chair. Members of the study group shall serve
17 without compensation but are entitled to reimbursement from
18 existing resources of their employing organization for per
19 diem and travel expenses incurred in the performance of their
20 duties, as provided in s. 112.061, Florida Statutes. The study
21 group shall ascertain which services are being rendered and
22 which aspects of these services are sufficiently unique to
23 justify specific training in preparation for the delivery of
24 such services; the appropriate duration for and content of a
25 training curriculum for school health nurses; the costs and
26 availability of training programs and resources for such
27 training programs; the number of nurses currently employed in
28 a school health capacity and whether these nurses require
29 additional training or should be grandfathered in; the factors
30 that motivate nurses to seek such additional training; and any
31 existing 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. Legislative intent; funding.--It is the
6 intent of the Legislature through this act that sufficient
7 resources be made available to provide by the 2003-2004 school
8 year at least one nurse, supplemented by a trained health
9 support aide, for every 1,500 students in the schools of this
10 state participating in a school health services program. The
11 Legislature recognizes that extensive resources will be
12 necessary to achieve this intent, and that a portion of these
13 resources can be found from a variety of existing resources.
14 The Legislature recognizes that existing funding for basic and
15 comprehensive school health services and full service schools,
16 as created under ss. 381.0056 and 381.0057, Florida Statutes,
17 can be used as partial funding. The Legislature further
18 recognizes that funding earned by local school districts and
19 county health departments from the Agency for Health Care
20 Administration from the delivery of services to
21 Medicaid-eligible students can also be used as partial
22 funding. Finally, the Legislature recognizes that another
23 source of funding is local funding currently being used for
24 school health services, which can now be eligible for matching
25 funds under school nurse services public-private partnerships
26 as created by this act. It is the intent of the Legislature
27 that the remainder of the resources necessary to achieve this
28 school nurse to student ratio by the 2003-2004 school year
29 will need to be derived from the state's tobacco settlement
30 revenue; therefore, there is hereby appropriated from such
31 revenue to the Department of Education for distribution to the

1 school districts for such purpose an amount sufficient to
2 cover the remaining costs not otherwise provided for by this
3 act.

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

8 Section 7. This act shall take effect July 1, 1999.

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11 HOUSE SUMMARY

12 Revises provisions relating to school health services
13 programs. Defines the term "entity" or "health care
14 entity" for such purposes. Requires the district school
15 board and each participating nonpublic school to make
16 available adequate physical facilities for health
17 services. Provides legislative intent and guidelines to
18 publicize and make available matching funds for school
19 nurse services under public-private partnerships.
20 Establishes background screening requirements for school
21 health services personnel. Requires a study of the need
22 for additional training for school health services
23 nurses. Provides legislative intent relating to funding
24 of school nursing services and provides an appropriation
25 therefor. Provides an appropriation for a school health
26 summit. See bill for details.
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