

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1250

SPONSOR: Education Committee and Senator Miller

SUBJECT: School volunteer/Health care

DATE: March 4, 2002 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	White	O'Farrell	ED	Favorable/CS
2.	_____	_____	HC	_____
3.	_____	_____	AHS	_____
4.	_____	_____	AP	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Proposed CS for SB 1250 creates an incentive program to encourage persons within certain categories of licensed health care professionals to provide their services without charge to public schools.

This bill creates the following section of the Florida Statutes: 381.00593.

II. Present Situation:

Full Service Schools

Pursuant to s. 402.3026, F.S., the State Board of Education and the Department of Health jointly establish full-service schools to serve students from schools that have a student population that has a high risk of needing medical and social services. Following are brief descriptions of two components of full-service schools:

The Volunteer School Nurse Program

According to the Department of Health, the Volunteer School Nurse Program was implemented in eight counties in 2001 and will expand to fourteen counties in 2002. In each of these counties, the 2001-2002 Appropriations Act pays the salary for a county health department registered nurse to recruit, train, supervise, and schedule the volunteer nurses.

Volunteer Health Care Provider Program

The 1992 Legislature established the Volunteer Health Care Provider Program.¹ This program uses volunteers to increase access to health care services for the indigent. State sovereign immunity coverage for volunteers under this program has been a key to its success. The program

¹ Section 766.1115, F.S.

relies on continuity in supervising, screening, and training volunteers by program staff. In most situations, a physician supervises the health care practitioners.

Comprehensive School Health Services Project

The Comprehensive School Health Services Project provides health services in schools with a high proportion of students at-risk and in need of medical services. This program serves every school in 17 school districts, and 47 districts have the program in at least one school. The Comprehensive School Health Service Project has one health care professional for every 2.05 schools and one health care professional for every 1,614 students.

Florida Volunteer Protection Act

Section 768.1355, F.S., provides that any person who volunteers to perform any service for a nonprofit organization without compensation, except for reimbursement for actual expenses, is an agent of that organization when acting within the scope of any official duties performed as a volunteer. The volunteer incurs no civil liability for any act or omission which results in personal injury or property damage if: (1) the person was acting in good faith within the scope of any official duties performed under the volunteer service, and the person was acting as an ordinary reasonably prudent person would have acted under the same or similar circumstances; and (2) the injury or damage was not caused by any wanton or willful misconduct on the part of the person in the performance of his or her duties.

Sovereign Immunity

Section 768.28(9)(a), F.S., provides that an officer, employee, or agent of the state or of any of its subdivisions may not be held personally liable in tort or named as a party defendant in any action for any injury or damage suffered as a result of any act, event, or omission of action in the scope of her or his employment or function, except for cases of acting in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

Background Screening Requirements

Any person who provides services under a school health plan must complete level 2 screening. This type of screening requires all employees in positions designated by law as positions of trust or responsibility to undergo security background investigations. The security and background checks include fingerprinting; records checks through the Florida Department of Law Enforcement and federal criminal records checks through the Federal Bureau of Investigation (FBI).²

Health Care Practitioner/School/Student Ratios

In the 1999-2000 school year Florida's schools enrolled a total of 2,375,196 students, of which 454,522 were Exceptional Student Education students or medically complex students.

In 1999-2000 a total of 2,148 full-time equivalents *advanced registered* nurse practitioners, *registered* nurses, licensed practical nurses and physician's assistant staffed non-medically complex students in public schools.

² Sections. 381.0059, and 435.04, F.S.

In 1999-2000, a total of 371 health care professionals worked in schools with the 454,522 medically complex students.

According to the 1999-2000 State Summary of School Health Services, produced by the Florida Department of Health, the registered nurse to student ratio was 1:3,515 and the registered nurse to school ratio was 1:4.25. The National Association of School Nurses recommends one registered nurse for every 750 students, and one registered nurse for every 250 medically complex students.

III. Effect of Proposed Changes:

The legislation under consideration establishes an incentive program for health care practitioners to volunteer their services in public schools.

The bill applies to physicians, physician assistants, osteopathic physicians, podiatric physicians, practitioners of optometry, advanced registered nurse practitioners, registered nurses, and licensed practical nurses, pharmacists, dentists and dental hygienists, midwife practitioners, speech-language pathologists and audiologists, and physical therapists. To be eligible, the practitioner must be licensed in one of the listed professions and must provide the fingerprint check required of all professionals in contact with students in Florida public schools.

As an incentive, the bill provides a waiver for payment of the required licensing renewal fee and allows the practitioner to earn 25 percent of the continuing education hours required for license renewal.

To earn the waiver, an active practitioner must volunteer for at least 80 hours per school year during the two-year period. If the practitioner is retired, he or she must volunteer for at least 400 hours per school year.

The bill requires the school district to pay for any increase in insurance premiums for liability protection for the volunteers and authorizes the school board to secure a loan if funds are insufficient.

The Department of Health will cooperate in administrative responsibilities for the program and will supervise the volunteers.

The Department of Education, in cooperation with the Department of Health, may adopt rules to implement the program.

The Department of Health will cooperate with the Department of Education to publicize the availability of the program and its benefits. The bill provides an implementation schedule to make it possible for volunteers to apply by November 30, 2002.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Families of public school students may save the costs of some routine medical procedures, which will be performed at school.

C. Government Sector Impact:

The Department of Health will lose the fee revenue of any professional who participates and earns a fee waiver; examples of the current amounts follow:

• Physician (MD)	\$330
• Osteopathic physician	\$400
• Physician assistant	\$200
• Advanced registered nurse practitioner	\$105
• Registered nurse	\$ 55
• Licensed practical nurse	\$ 55

The Department of Health will also incur the expense of publicizing the program, estimated at \$45,000. Supervision, training and evaluating the volunteers is estimated at \$450,000.

The background screening for volunteers costs \$39 each.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
