WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989

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ENROLLED

Com. Sub. for

HOUSE BILL No. 2557

(By Del. Basham & Filanigan)

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Passed ........................................... April 8, 1989

In Effect ........................................... Ninety Days From Passage
AN ACT to amend and reenact section twenty-two, article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to "specialized health procedures" in the public schools; defining "specialized health procedures"; providing for emergency assistance; specifying school employees who shall be authorized and trained to perform "specialized health procedures"; creating a council of school nurses; and granting authority to the department of health to establish standards relating to "specialized health procedures."

Be it enacted by the Legislature of West Virginia:

That section twenty-two, article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-22. Medical and dental inspection; school nurses; specialized health procedures; establishment of council of school nurses.

County boards of education shall provide proper
medical and dental inspections for all pupils attending
the schools of their county and shall further have the
authority to take any other action necessary to protect
the pupils from infectious diseases, including the
authority to require from all school personnel employed
in their county, certificates of good health and of
physical fitness.

Each county board of education shall employ full-time
at least one school nurse for every one thousand five
hundred kindergarten through seventh grade pupils in
net enrollment or major fraction thereof: Provided, That
each county shall employ full-time at least one school
nurse: Provided, however, That a county board may
contract with a public health department for services
deemed equivalent to those required by this section in
accordance with a plan to be approved by the state
board: Provided further, That the state board shall
promulgate rules and regulations requiring the employ-
ment of school nurses in excess of the number required
by this section to ensure adequate provision of services
to severely handicapped pupils.

Any person employed as a school nurse shall be a
registered professional nurse properly licensed by the
West Virginia board of examiners for registered
professional nurses in accordance with article seven,
chapter thirty of this code.

Beginning with the school year one thousand nine
hundred ninety-nine—ninety-one, specialized health proce-
dures that require the skill, knowledge and judgement
of a licensed health professional, shall be performed only
by school nurses, other licensed school health care
providers as provided for in this section, or school
employees who have been trained and retrained every
two years and subject to the supervision and approval
by school nurses. After assessing the health status of the
individual student, a school nurse, in collaboration with
the student's physician, parents and in some instances
an individualized education program team, may dele-
gate certain health care procedures to a school employee
who shall be trained pursuant to this section, deemed
competent, have consultation with, and be monitored or
supervised by the school nurse: Provided, That nothing
herein shall prohibit any school employee from provid-
ing specialized health procedures or any other prudent
action to aid any person who is in acute physical distress
or requires emergency assistance. For the purposes of
this section "specialized health procedures" means but
is not limited to, catheterization, suctioning of tracheos-
tomy, naso-gastric tube feeding or gastrostomy tube
feeding; and "school employee" means teachers as
defined in section one, article one of this chapter and
aides as defined in section eight, article four-a, chapter
eighteen-a of this code.

Any school employee who elects to undergo training
or retraining to provide, in the manner specified herein,
such specialized health care procedures and for whom
such selection has been approved by both the principal
and the county board, may receive additional pay at the
discretion of the county board: Provided, That any
training may be considered in lieu of required in-service
training of such school employee and a school employee
cannot be required to elect to undergo the training or
retraining: Provided, however, That commencing with
the first day of July, one thousand nine hundred eighty-
nine, any newly employed school employee in the field
of special education shall be required to undergo the
training and retraining as provided for in this section.

Each county school nurse, as designated and defined
by this section, shall perform a needs assessment. These
nurses shall meet on the basis of the area served by their
regional educational service agency, prepare recommen-
dations and elect a representative to serve on the council
of school nurses.

There shall be established a council of school nurses
which shall be convened by the state board of education.
This council shall prepare a procedural manual and
shall provide recommendations regarding a training
course to the director of the state department of health
who shall consult with the state department of educa-
tion. The state department of health shall then have the
authority to promulgate rules and regulations to
implement the training and to create standards used by
those performing specialized health procedures. The
council shall meet every two years to review the
certification and training program regarding school
employees.
The state board of education shall work in conjunction
with county boards to provide training and retraining
every two years as recommended by the council of
school nurses and implemented by the state department
of health.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 27th day of April, 1989.

Governor