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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989

— ● —

# ENROLLED

Com. Sub. for  
HOUSE BILL No. 2557

(By ~~the~~ Del. Basham + Filanigan)

— ● —

Passed April 8, 1989

In Effect Ninety Days From Passage

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**H. B. 2557**  
(By DELEGATES BASHAM AND FLANIGAN)

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[Passed April 8, 1989; in effect ninety days from passage.]

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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.**

1 County boards of education shall provide proper

2 medical and dental inspections for all pupils attending  
3 the schools of their county and shall further have the  
4 authority to take any other action necessary to protect  
5 the pupils from infectious diseases, including the  
6 authority to require from all school personnel employed  
7 in their county, certificates of good health and of  
8 physical fitness.

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

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

28 Beginning with the school year one thousand nine  
29 hundred ninety—ninety-one, specialized health proce-  
30 dures that require the skill, knowledge and judgement  
31 of a licensed health professional, shall be performed only  
32 by school nurses, other licensed school health care  
33 providers as provided for in this section, or school  
34 employees who have been trained and retrained every  
35 two years and subject to the supervision and approval  
36 by school nurses. After assessing the health status of the  
37 individual student, a school nurse, in collaboration with  
38 the student's physician, parents and in some instances  
39 an individualized education program team, may dele-  
40 gate certain health care procedures to a school employee  
41 who shall be trained pursuant to this section, deemed  
42 competent, have consultation with, and be monitored or

43 supervised by the school nurse: *Provided*, That nothing  
44 herein shall prohibit any school employee from provid-  
45 ing specialized health procedures or any other prudent  
46 action to aid any person who is in acute physical distress  
47 or requires emergency assistance. For the purposes of  
48 this section "specialized health procedures" means but  
49 is not limited to, catheterization, suctioning of tracheos-  
50 tomy, naso-gastric tube feeding or gastrostomy tube  
51 feeding; and "school employee" means teachers as  
52 defined in section one, article one of this chapter and  
53 aides as defined in section eight, article four-a, chapter  
54 eighteen-a of this code.

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

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

75 There shall be established a council of school nurses  
76 which shall be convened by the state board of education.  
77 This council shall prepare a procedural manual and  
78 shall provide recommendations regarding a training  
79 course to the director of the state department of health  
80 who shall consult with the state department of educa-  
81 tion. The state department of health shall then have the  
82 authority to promulgate rules and regulations to  
83 implement the training and to create standards used by

84 those performing specialized health procedures. The  
85 council shall meet every two years to review the  
86 certification and training program regarding school  
87 employees.

88 The state board of education shall work in conjunction  
89 with county boards to provide training and retraining  
90 every two years as recommended by the council of  
91 school nurses and implemented by the state department  
92 of health.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Frederick S. Herpin*  
.....  
Chairman Senate Committee

*J. L. Latta*  
.....  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Joseph C. Mathis*  
.....  
Clerk of the Senate

*Donald J. Kopp*  
.....  
Clerk of the House of Delegates

*Sam R. Tucker*  
.....  
President of the Senate

*W. H. Call*  
.....  
Speaker of the House of Delegates

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

*Gaston Caperton*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/24/89

Time 2:10