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To: BOCES District Superintendents
Superintendents of Public and Nonpublic Schools
Principals of Public Schools
Charter School Leaders

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Subject: Provision of Nursing Services in School Settings - Including One-to-One Nursing Services to Students with Special Needs

Introduction

Medical care advancements have increased the number of students with disabilities attending school who also have complex nursing needs. This can result in the need for frequent nursing care during the school day and/or during transportation to and from school. The frequency of such nursing care may be beyond what an individual school building nurse can reasonably provide. These students may require a nurse shared with one or more other students in their classroom or a one-to-one nurse to attend school, as determined by the Committee on Preschool Special Education (CPSE) or Committee on Special Education (CSE).

This memorandum provides information to assist schools in ensuring that qualified individuals provide the health-toto

given to the proximity of the RN to the site of the provision of services by the LPN(s) and the complexity of the nursing care needs of the students. A directing RN may be off site but must be available by telephone at any time as needed by the LPN, and the RN must be able to provide onsite assistance within a reasonable time frame, which must be 15 minutes or less. See question 15 in NYSED's Office of Professions Nurse Practice Frequently Asked Questions. Administrators should consult school nursing personnel and the medical director when determining nurse staffing needs.

Health Activities/Tasks Which May be Performed by Appropriately Trained, Unlicensed School Personnel

Attachment B lists examples of health activities/tasks for students which may be assigned to trained, unlicensed school personnel after a registered nurse first conducts an assessment to determine the appropriateness of the assignment.

To determine whether a health activity/task can be performed by a trained, unlicensed person, the RN

assist a student who needs assistance with oral feedings. However, if the student has constant feeding problems (such as choking and vomiting), an unlicensed, untrained person may not be assigned to assist the student with oral feeding.

The assignment of health activities/tasks listed in Attachments B and C to an unlicensed school staff member should be made by the school administrator in consultation with the school nurse (RN) and/or medical director. Except in unusual circumstances, the classroom teacher should not be assigned to perform health-related activities since such assignments may interfere with the instructional program provided to students in the classroom.

School Health Services Protocols

To develop school board or governing body policies governing the provision of health services to students, we recommend that school boards and governing bodies collaborate with the medical director and school nurses (RNs).

To develop protocols governing the provision of school health services, it is recommended that the medical director collaborate with school nurses. To ensure that services are provided in a manner which is consistent with state and federal laws and standards of professional practice, the following is recommended:

1. Written protocols to ensure that nursing care and health related activities/tasks are performed consistently in all schools and school related activities;
2. Nurses and unlicensed personnel are appropriately trained and educated to provide such care;
3. Written protocols to ensure training and education is provided consistently in accordance with best practice and state laws and regulations;
4. Delineation of the duties of a school nurse (RN) including:
 - a) responsibility for determining whether the health activity/task needed by a student is within the scope of nursing practice and may only be performed by a licensed person or is an activity/task that may be performed by an unlicensed individual;
 - b) responsibility for oversight and monitoring of all nursing activities/tasks;
 - c) responsibility for determining, prior to delegation, the training required to enable the LPN to safely provide any assigned nursing activities/tasks; and
 - d) periodic determination that nursing and health care continue to be appropriate and are being delivered to the student in accordance with the plan of care.

Frequently Asked Questions

1. What is the citation in law that indicates that only nurses can perform nursing

nurse cannot refer to themselves as an "LPN" or "Certified Nurse Aid" unless it is, in fact, true.

9. Can an unlicensed school personnel prepare and administer (give) a medication to a student if no nurse is available?

No, the administration of medication is a function that is statutorily authorized to a limited number of professions, see question 1. Also see [NYSED Memo- Medication Administration by Unlicensed Persons](#) for details. Unlicensed school personnel who have been trained in accordance with Commissioner's regulations may administer in an emergency, the following medications to students: epinephrine via auto-injector, glucagon, and naloxone. Please see [NYSED Guidelines for Medication Management in Schools](#) for details.

10. Can unlicensed school personnel assist a student who is able to take their own medication?

- x the parent/guardian may choose to attend the activity and do the health activity/task; or
- x the parent/guardian can personally designate another adult who is not employed by the school to voluntarily do the health activity/task on the field trip. This designation is to be in writing- the following sample form can be modified to use for parent/guardian/ designation to perform health activity/task-Administration of Medications to Students During School-Sponsored Events by Parent/Guardian Designee; or
- x the student's healthcare provider can be consulted and may order the health activity/task schedule to be adjusted; or
- x The school sends a licensed nurse on the field trip to provide the care.

A student may not be prevented from participating in an educational activity, such as a field trip, because of a special health need.

14. What if nurses are not available to substitute for a school nurse where there are students with special health needs who are not self-directed?

A public school must provide appropriately licensed health professionals to provide necessary nursing services to ensure students can attend and fully participate. This can be accomplished by:

- x Hiring float nurse(s) able to serve as needed each day, including but not limited to: substitute school nurse, ride bus with student requiring a nurse on bus, attend field trips, assist building school nurses with screenings, immunization and BMI surveys, creation of emergency care plans and teaching school personnel, preparing student records for DOH immunization audits, training school personnel etc.;
- x Reassigning nursing staff from other sites within the school or school district;
- x To meet needs at school sponsored events outside of school hours, consider using alternate schedules for school nursing personnel;
- x Assessing nursing salaries to determine if competitive;
- x Contract with neighboring schools or BOCES; or
- x Contract with nursing agencies.

Nonpublic school students must receive services comparable to those provided to public school students. A formal agreement between the public school and the nonpublic school should address the issue of a substitute nurse to cover for a school building nurse who is absent in a nonpublic school, see Information on MOUs for Health Services to Nonpublic Schools.

15. Must all students with special health needs have an individualized health care plan (IHP)?

An IHP is a nursing care plan for a student with health needs and is not required by law. It is customarily used in nursing practice, developed by an RN, and is strongly recommended for all students with special health needs- par6.51 -1.ic

16. When a private PreK program is located in a public school building, is the building nurse responsible for providing school health services to the private PreK students enrolled in such program?

The answer is dependent on the type of program, and/or the contract between the district and the private PreK program:

- x The private PreK program is contracted by the district to operate the district's PreK program- then such PreK students are district students and entitled to the same health services provided to other grade levels.
- x The private PreK program is not contracted by the district - then the PreK students are not entitled to health services from the district except in emergencies. However, the private PreK program may enter into a contract with the district that includes the provision of school health services to the private PreK students.

17. Are schools authorized to employ Paramedics or Emergency Medical Technicians (EMTs) to be a substitute nurse or to provide health care to students with special health needs?

No. Paramedics and

be instances where it will be necessary for an administrator to insist that an unwilling person who is otherwise qualified must perform a health activity/task which they are legally permitted to perform.

21. Can an unlicensed school staff member, who receives appropriate training, assist students with medications?

Yes, trained unlicensed school personnel may assist supervised students to take their own medications. See [NYSED's Medication Management Guidelines for Schools](#) .

19. If parent s/guardians and family representatives are trained to do nursing procedures at home, can non- nurses be trained to do them in the school setting?

Laws governing the practice of nursing have been written to protect the public. Procedures that are defined as nursing activities/tasks (Attachment A), although performed routinely, are not innocuous, and require nursing knowledge, judgment and skill. In New York State under Section 6908 of Education Law, family members may provide home nursing care to other family members. This exemption under Section 6908 does not empower families to extend that right to individuals employed in educational settings.

20. What is the school 's responsibility for ensuring that a nurse working in the school has received appropriate training if he/she does not know how to perform certain procedures that a student will need? What is the nurse's responsibility?

Licensed health professionals may not have the same work experience or education and may not be familiar with all types of nursing activities/tasks. A licensed health professional who is not knowledgeable in a particular nursing activity/task is responsible for informing school administration of the need for appropriate training to safely meet the student's needs. Schools must ensure the health and safety of their students and ensure the licensed health professionals caring for students are appropriately licensed, have the necessary training to meet the students' needs, and are up to date in best practice. Therefore, schools must seek out necessary training for staff to meet students' needs. Schools should encourage and assist their licensed health professionals to regularly participate in professional development. Opportunities for professional development may be available online, from professional organizations, the healthcare provider's office, local hospitals, visiting nurse associations, professional in-service providers, or the state's technical assistance center for school health professionals and educators [The New York State Center for School Health](#) .

21. Do all student s with tracheostomies, ventilators or other medical technology need a 1:1 nurse?

The level of nursing care required and the amount of nursing time necessary to ensure the health and safety of such students in the school setting would be determined by the school 's multidisciplinary team pursuant to Section 504 or the Committee on Special Education (CSE) -27.

- x Consent form signed by parent/guardian allowing the assigned nurse and the school nurse and/or medical director to share information reciprocally.

These documents should be reviewed by the medical director and/or school nurse and be updated annually or sooner if necessary. Copies of all healthcare provider orders, health information, and nursing documentation provided at school is to be filed in the student's cumulative health record. Copies of such documentation can be provided to the assigned nurse to meet employer or billing requirements.

Nurses assigned to provide care for specific student(s) may not substitute for the school building nurse unless they are employed by the school. However, this may not be done if it will leave a student without the services they need to attend school.

Nurses not employed by the school should be expected to abide by the health and administrative policies of the school board or governing body (i.e. confidentiality of other students, notification to the school nurse or administrator when in the building, evacuation and emergency procedures, etc.).

The School Nurse

The school employed RN assigned to the school building where assigned nurses are located (or the school medical director if there is no school employed RN, LPNS cannot supervise other nurses) is responsible for assessing the quality of care provided to the student by the assigned nurse and that it is in accordance with healthcare provider's orders. This should be accomplished by periodic observations of the provision of care by the assigned nurse(s) along with review of the healthcare provider's orders and documentation. Such review and observations should be documented in the student's CHR. Additionally procedures should be established by the school governing body for the school employed RN to follow if the he/she determines that an assigned nurse is ill

ATTACHMENT A

- 9 Respiratory care (i.e. postural drainage and cupping)
- 9 Urinary catheterization, Reinsertion of an indwelling urinary catheter
- 9 Ostomy care (care of stoma and changing the appliance) and irrigation
- 9 Warm applications
- 9 Sterile dressings, Decubitus ulcer care, cast care
- 9 Observation of shunt function- LPNs must report changes in student's baseline to directing practitioner
- 9 Venous blood draws (excludes fingerstick)

ATTACHMENT B

- 9 Assistance with braces and prostheses
- 9 Assisted ambulation (crutches, walker, cane)
- 9 Positioning

ATTACHMENT

In schools, Health activities/tasks that may be performed by unlicensed school personnel, generally not requiring involvement of the school nurse or other health professionals. (list is not all inclusive)

- 9 Oral hygiene or nail, hair and skin care
- 9 Preparing nourishment
- 9 Feeding student orally if there are no feeding problems
- 9 Care of an incontinent student, including changing diapers
- 9 Assistance with bedpan and urinal
- 9 Non-medical aspects of bowel and bladder training
- 9 Assistance with clothing