

B-Engrossed
Senate Bill 111

Ordered by the Senate July 3
Including Senate Amendments dated April 13 and July 3

Sponsored by Senator MONNES ANDERSON, Representative WHISNANT (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Establishes pilot program to assist school districts and education service districts in increasing use of Medicaid billing.]

Directs Department of Education to *[provide technical assistance to]* **assist** school districts and education service districts *[related to]* **in funding** school nursing services.

Declares emergency, effective July 1, 2017.

A BILL FOR AN ACT

1
2 Relating to school nursing services; and declaring an emergency.

3 Whereas evidence shows that there is a profound connection between the presence of a school
4 nurse and a student's health status and educational achievement; and

5 Whereas school nurses are the first and, frequently, the only access point for students to con-
6 tinuous and comprehensive care; and

7 Whereas school nurses serve a pivotal role that bridges health care and education systems; and

8 Whereas school nurses provide care to all students and provide students with resources and
9 referrals for health insurance coverage; and

10 Whereas school nurses support student success by providing health care through assessments,
11 intervention and follow up for all students in the school setting; and

12 Whereas school nurses have been linked to decreased absenteeism, increased school attendance
13 and increased student engagement; and

14 Whereas there is an immediate concern for the health and safety of students and an urgent need
15 for the development of budget priorities to support school nurses; and

16 Whereas there is an immediate need for the establishment of funding formulas and state allo-
17 cations to support school nurses; and

18 Whereas school nurses play an integral role in public health transformation and the triple aim
19 focus of better health, better care and lower costs; and

20 Whereas school nurses provide an evidence-based model of care that is an integral part of the
21 health care delivery team; and

22 Whereas Oregon has a fiduciary responsibility to leverage existing resources to maximize the
23 delivery of health services; and

24 Whereas school nurses reduce inappropriate emergency room use and the rising use of primary
25 care; and

26 Whereas in Oregon the primary funding source for school nursing services is a school district's

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 general fund with some limited Medicaid reimbursement; and

2 Whereas Oregon taxpayers save \$2.20 for every dollar spent on school nurses; and

3 Whereas 79 of the 197 school districts in Oregon do not provide any school nursing services and
4 29,734 students have no access to a school nurse; and

5 Whereas there has been no increase in the number of school nurses working in Oregon schools
6 since the last legislative task force report in 2008; and

7 Whereas school nurses provide an important role in supporting the Whole School, Whole Com-
8 munity, Whole Child model; and

9 Whereas there has been a significant increase in the number of students attending school with
10 chronic health conditions, many of which are life threatening and require complex medical treat-
11 ments and frequent interventions; and

12 Whereas there is an immediate need for increasing the number of school nurses in Oregon
13 schools; and

14 Where in Oregon, school nurses are delegating nursing tasks and procedures to persons without
15 nursing licenses; and

16 Whereas state law prohibits anyone other than a registered nurse from delegating care for stu-
17 dents while they are attending school and while they are in after-school activities; and

18 Whereas school nurses ensure district compliance with the Free Access to Public Education Act;
19 and

20 Whereas school districts and students with no school nursing services are at significant risk;
21 now, therefore,

22 **Be It Enacted by the People of the State of Oregon:**

23 **SECTION 1. (1) As used in this section:**

24 **(a) "School nurse" means:**

25 **(A) A school nurse as defined in ORS 342.455;**

26 **(B) A registered nurse licensed under ORS 678.010 to 678.410; or**

27 **(C) A licensed practical nurse licensed under ORS 678.010 to 678.410 and acting under the**
28 **direction of a registered nurse.**

29 **(b) "School nursing services" means nursing services provided by a school nurse prac-**
30 **ticing in a school setting pursuant to ORS 336.201.**

31 **(2) The Department of Education shall assist school districts and education service dis-**
32 **tricts in funding school nursing services as provided by this section. The assistance:**

33 **(a) Must include facilitating collaboration between a school district or an education ser-**
34 **vice district and entities that have experience with providing the technical assistance de-**
35 **scribed in subsection (4) of this section and experience in Medicaid billing; and**

36 **(b) May include any other assistance available from the department.**

37 **(3)(a) A school district or an education service district may receive assistance as de-**
38 **scribed in this section by submitting an application prescribed by the department.**

39 **(b) The number of applications accepted under this subsection may be limited based on**
40 **the funding and resources available.**

41 **(4) Technical assistance provided to a school district or an education service district**
42 **under this section shall include the following:**

43 **(a) Assistance in the creation and implementation of a district plan to maximize Medicaid**
44 **billing for school nursing services as part of the overall structure for providing school health**
45 **services;**

1 (b) Assistance to school nurses with practices related to Medicaid billing and efficiencies;
2 and

3 (c) Ongoing technical assistance to participating school districts and education service
4 districts in maximizing Medicaid billing.

5 (5) The department shall collaborate with any state agency necessary for the purpose of
6 providing the assistance described in this section, including seeking any rule or statutory
7 change necessary to secure federal financial participation in the cost of providing school
8 nursing services.

9 (6) Nothing in this section prevents the department from providing assistance that is not
10 described in this section or from providing assistance to school districts and education ser-
11 vice districts that have not submitted an application under this section or that have not had
12 an application accepted under this section.

13 **SECTION 2.** (1) Notwithstanding section 1 (3)(b) of this 2017 Act, the Department of Ed-
14 ucation shall ensure that at least nine initial districts are accepted to receive assistance
15 under section 1 of this 2017 Act. To the extent practicable, the initial districts shall include:

16 (a) At least one education service district; and

17 (b) School districts that represent a diverse range of sizes and geographic locations.

18 (2) Nothing in this section prevents an increase in the number of applications accepted
19 to receive assistance under section 1 of this 2017 Act, as funding and resources allow.

20 (3) No later than October 1, 2020, the department shall submit to the interim committees
21 of the Legislative Assembly related to education a report on:

22 (a) The outcomes of the assistance described in section 1 of this 2017 Act; and

23 (b) An analysis of the cost benefits to school districts and education service districts
24 receiving the assistance described in section 1 of this 2017 Act.

25 **SECTION 3.** Section 2 of this 2017 Act is repealed on December 31, 2020.

26 **SECTION 4.** Notwithstanding any other provision of law, the General Fund appropriation
27 made to the Department of Education by section 1 (1), chapter __, Oregon Laws 2017 (En-
28 rolled Senate Bill 5516), for the biennium beginning July 1, 2017, for operations, is increased
29 by \$420,785 for the purpose of implementing sections 1 and 2 of this 2017 Act.

30 **SECTION 5.** Notwithstanding any other provision of law, the General Fund appropriation
31 made to the Oregon Health Authority by section 1 (1), chapter __, Oregon Laws 2017 (En-
32 rolled House Bill 5026), for the biennium beginning July 1, 2017, for programs, is increased
33 by \$109,150 for the purpose of implementing section 1 of this 2017 Act.

34 **SECTION 6.** Notwithstanding any other law limiting expenditures, the limitation on
35 expenditures established by section 4 (1), chapter __, Oregon Laws 2017 (Enrolled House Bill
36 5026), for the biennium beginning July 1, 2017, as the maximum limit for payment of expenses
37 from federal funds, excluding federal funds described in section 2, chapter __, Oregon Laws
38 2017 (Enrolled House Bill 5026), collected or received by the Oregon Health Authority for
39 programs, is increased by \$108,776 for the purpose of section 1 of this 2017 Act.

40 **SECTION 7.** This 2017 Act being necessary for the immediate preservation of the public
41 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect
42 July 1, 2017.
43