

By: Representative Scott (80th)

To: Public Health and
Welfare;
Appropriations

HOUSE BILL NO. 65

1 AN ACT TO AMEND SECTION 41-79-5, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT NURSING STAFF IN THE SCHOOL NURSE INTERVENTION
3 PROGRAM MAY BE EITHER A REGISTERED NURSE OR A LICENSED PRACTICAL
4 NURSE; TO PROVIDE THAT THE STATE DEPARTMENT OF HEALTH SHALL
5 PRESCRIBE ANY ADDITIONAL TRAINING NECESSARY FOR A LICENSED
6 PRACTICAL NURSE TO BE QUALIFIED AS A SCHOOL NURSE IN THE PROGRAM;
7 TO PROVIDE THAT BEGINNING WITH THE 2001-2002 SCHOOL YEAR, A
8 LICENSED PRACTICAL NURSE MUST COMPLETE ANY SUCH TRAINING BEFORE
9 SERVING AS A SCHOOL NURSE IN THE PROGRAM; AND FOR RELATED
10 PURPOSES.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

12 SECTION 1. Section 41-79-5, Mississippi Code of 1972, is
13 amended as follows:

14 41-79-5. (1) There is * * * established within the State
15 Department of Health a school nurse intervention program,
16 available to all public school districts in the state.

17 (2) By the school year 1998-1999, each public school
18 district shall have employed a school nurse, to be known as a
19 Health Service Coordinator, pursuant to the school nurse
20 intervention program prescribed under this section. The school
21 nurse intervention program shall offer any of the following
22 specific preventive services, and other additional services
23 appropriate to each grade level and the age and maturity of the
24 pupils:

25 (a) Reproductive health education and referral to
26 prevent teen pregnancy and sexually transmitted diseases, which
27 education shall include abstinence;

28 (b) Child abuse and neglect identification;

29 (c) Hearing and vision screening to detect problems
30 which can lead to serious sensory losses and behavioral and

31 academic problems;

32 (d) Alcohol, tobacco and drug abuse education to reduce
33 abuse of these substances;

34 (e) Scoliosis screening to detect this condition so
35 that costly and painful surgery and lifelong disability can be
36 prevented;

37 (f) Coordination of services for handicapped children
38 to ensure that these children receive appropriate medical
39 assistance and are able to remain in public school;

40 (g) Nutrition education and counseling to prevent
41 obesity and/or other eating disorders which may lead to
42 life-threatening conditions, for example, hypertension;

43 (h) Early detection and treatment of head lice to
44 prevent the spread of the parasite and to reduce absenteeism;

45 (i) Emergency treatment of injury and illness to
46 include controlling bleeding, managing fractures, bruises or
47 contusions and cardiopulmonary resuscitation (CPR);

48 (j) Applying appropriate theory as the basis for
49 decision making in nursing practice;

50 (k) Establishing and maintaining a comprehensive school
51 health program;

52 (l) Developing individualized health plans;

53 (m) Assessing, planning, implementing and evaluating
54 programs and other school health activities, in collaboration with
55 other professionals;

56 (n) Providing health education to assist students,
57 families and groups to achieve optimal levels of wellness;

58 (o) Participating in peer review and other means of
59 evaluation to assure quality of nursing care provided for students
60 and assuming responsibility for continuing education and
61 professional development for self while contributing to the
62 professional growth of others;

63 (p) Participating with other key members of the

64 community responsible for assessing, planning, implementing and
65 evaluating school health services and community services that
66 include the broad continuum or promotion of primary, secondary and
67 tertiary prevention; and

68 (q) Contributing to nursing and school health through
69 innovations in theory and practice and participation in research.

70 (3) Public school nurses shall be specifically prohibited
71 from providing abortion counseling to any student or referring any
72 student to abortion counseling or abortion clinics. Any violation
73 of this subsection shall disqualify the school district employing
74 such public school nurse from receiving any state administered
75 funds under this section.

76 (4) Each local school district of this state may apply for a
77 school nurse intervention program. State administered funds shall
78 only be available on a 50-50 matching basis, and subject to
79 appropriation by the Legislature, with the local school district
80 providing its local contribution from nonminimum program funds.
81 However, school districts with an ad valorem assessed value per
82 student of less than Seventeen Thousand Dollars (\$17,000.00),
83 according to the most recent ad valorem assessed valuation, shall
84 not be required to make a local contribution to the cost of the
85 program. In order to be eligible for such program, each district
86 desiring to participate shall apply to the State Department of
87 Health by May 31 before the beginning of the applicable fiscal
88 year. Such applications shall be on forms provided by the State
89 Department of Health. The local school governing board and the
90 county health department shall mutually determine their school
91 nurse intervention program within the previously determined state
92 guidelines. The State Department of Health shall determine by
93 July 1 of each succeeding year which local school districts have
94 submitted approved applications for school nurse intervention
95 programs. This subsection (4) shall stand repealed from and after
96 July 1, 1999.

97 (5) Beginning with the 1997-1998 school year, to the extent
98 that federal or state funds are available therefor and pursuant to
99 appropriation therefor by the Legislature, in addition to the
100 school nurse intervention program funds administered under
101 subsection (4), the State Department of Health shall establish and
102 implement a Prevention of Teen Pregnancy Pilot Program to be
103 located in the public school districts with the highest numbers of
104 teen pregnancies. The Teen Pregnancy Pilot Program shall provide
105 the following education services directly through public school
106 nurses in the pilot school districts: health education sessions
107 in local schools, where contracted for or invited to provide,
108 which target issues including reproductive health, teen pregnancy
109 prevention and sexually transmitted diseases, including syphilis,
110 HIV and AIDS. When these services are provided by a school nurse,
111 training and counseling on abstinence shall be included.

112 (6) In addition to the school nurse intervention program
113 funds administered under subsection (4) and the Teen Pregnancy
114 Pilot Program funds administered under subsection (5), to the
115 extent that federal or state funds are available therefor and
116 pursuant to appropriation therefor by the Legislature, the State
117 Department of Health shall establish and implement an Abstinence
118 Education Pilot Program to provide abstinence education,
119 mentoring, counseling and adult supervision to promote abstinence
120 from sexual activity, with a focus on those groups which are most
121 likely to bear children out-of-wedlock. Such abstinence education
122 services shall be provided by the State Department of Health
123 through its clinics, public health nurses, school nurses and
124 through contracts with rural and community health centers in order
125 to reach a larger number of targeted clients. For purposes of
126 this subsection, the term "abstinence education" means an
127 educational or motivational program which:

128 (a) Has as its exclusive purpose, teaching the social,
129 psychological and health gains to be realized by abstaining from

130 sexual activity;

131 (b) Teaches abstinence from sexual activity outside
132 marriage as the expected standard for all school-age children;

133 (c) Teaches that abstinence from sexual activity is the
134 only certain way to avoid out-of-wedlock pregnancy, sexually
135 transmitted diseases and other associated health problems;

136 (d) Teaches that a mutually faithful monogamous
137 relationship in context of marriage is the expected standard of
138 human sexual activity;

139 (e) Teaches that sexual activity outside of the context
140 of marriage is likely to have harmful psychological and physical
141 effects;

142 (f) Teaches that bearing children out of wedlock is
143 likely to have harmful consequences for the child, the child's
144 parents and society;

145 (g) Teaches young people how to reject sexual advances
146 and how alcohol and drug use increase vulnerability to sexual
147 advances; and

148 (h) Teaches the importance of attaining
149 self-sufficiency before engaging in sexual activity.

150 (7) Beginning with the 1998-1999 school year and pursuant to
151 appropriation therefor by the Legislature, in addition to other
152 funds allotted under the minimum education program, each school
153 district shall be allotted an additional teacher unit per every
154 one hundred (100) teacher units, for the purpose of employing
155 qualified public school nurses in such school district, which in
156 no event shall be less than one (1) teacher unit per school
157 district, for such purpose. In the event the Legislature provides
158 less funds than the total state funds needed for the public school
159 nurse allotment, those school districts with fewer teacher units
160 shall be the first funded for such purpose, to the extent of funds
161 available.

162 (8) Prior to the 1998-1999 school year, nursing staff

163 assigned to the program shall be employed through the local county
164 health department and shall be subject to the supervision of the
165 State Department of Health with input from local school officials.

166 Local county health departments may contract with any
167 comprehensive private primary health care facilities within their
168 county to employ and utilize additional nursing staff. Beginning
169 with the 1998-1999 school year, nursing staff assigned to the
170 program shall be employed by the local school district and shall
171 be designated as "health service coordinators." Nursing staff
172 assigned to the program may be either a registered nurse or a
173 licensed practical nurse who holds a license to practice nursing
174 from the Mississippi Board of Nursing. The State Department of
175 Health shall prescribe any additional training that it determines
176 to be necessary for a licensed practical nurse to be qualified as
177 a school nurse in the program, and beginning with the 2001-2002
178 school year, a licensed practical nurse must complete any
179 additional training prescribed by the department before serving as
180 a school nurse in the program.

181 (9) Upon each student's enrollment, the parent or guardian
182 shall be provided with information regarding the scope of the
183 school nurse intervention program. The parent or guardian may
184 provide the school administration with a written statement
185 refusing all or any part of the nursing service. No child shall
186 be required to undergo hearing and vision or scoliosis screening
187 or any other physical examination or tests whose parent objects
188 thereto on the grounds such screening, physical examination or
189 tests are contrary to his sincerely held religious beliefs.

190 (10) A consent form for reproductive health education shall
191 be sent to the parent or guardian of each student upon his
192 enrollment. If a response from the parent or guardian is not
193 received within seven (7) days after the consent form is sent, the
194 school shall send a letter to the student's home notifying the
195 parent or guardian of the consent form. If the parent or guardian

196 fails to respond to the letter within ten (10) days after it is
197 sent, then the school principal shall be authorized to allow the
198 student to receive reproductive health education. Reproductive
199 health education shall include the teaching of total abstinence
200 from premarital sex and, wherever practicable, reproductive health
201 education should be taught in classes divided according to gender.

202 All materials used in the reproductive health education program
203 shall be placed in a convenient and easily accessible location for
204 parental inspection. School nurses shall not dispense birth
205 control pills or contraceptive devices in the school. Dispensing
206 of such shall be the responsibility of the State Department of
207 Health on a referral basis only.

208 (11) No provision of this section shall be construed as
209 prohibiting local school districts from accepting financial
210 assistance of any type from the State of Mississippi or any other
211 governmental entity, or any contribution, donation, gift, decree
212 or bequest from any source which may be utilized for the
213 maintenance or implementation of a school nurse intervention
214 program in a public school system of this state.

215 SECTION 2. This act shall take effect and be in force from
216 and after July 1, 1999.