

By: Representative Dixon

To: Public Health and Human Services

HOUSE BILL NO. 859

1 AN ACT TO REQUIRE THAT BEFORE A HEALTH CARE PROVIDER MAY
 2 PRESCRIBE ANY MEDICATION TO TREAT ADD OR ADHD IN A CHILD, THE
 3 PROVIDER MUST HAVE A SECOND OPINION FROM AN INDEPENDENT
 4 PROFESSIONAL WHO IS NOT AFFILIATED IN ANY MANNER WITH THE ENTITY
 5 PROVIDING THE INITIAL ASSESSMENT STATING THAT THE CHILD NEEDS OR
 6 WOULD BENEFIT FROM TAKING THE MEDICATION, AND PROVIDE INFORMATION
 7 AND COUNSELING TO THE PARENT OR GUARDIAN OF THE CHILD ABOUT THE
 8 ACTUAL AND POTENTIAL SIDE EFFECTS OF THE MEDICATION TO BE
 9 PRESCRIBED; TO PROHIBIT PUBLIC SCHOOL EMPLOYEES AND PUBLIC SCHOOL
 10 NURSES FROM ADMINISTERING TO ANY STUDENT AT THE SCHOOL ANY
 11 MEDICATIONS THAT ARE PRESCRIBED TO TREAT ADD OR ADHD; TO AMEND
 12 SECTIONS 37-14-3 AND 41-79-5, MISSISSIPPI CODE OF 1972, TO CONFORM
 13 TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** Before a physician or other health care provider
 16 may prescribe any medication to treat, manage or control the
 17 symptoms of attention deficit disorder (ADD) or attention deficit
 18 hyperactivity disorder (ADHD) in a child under the age of eighteen
 19 (18) years, the health care provider must:

20 (a) Have a written opinion from an independent
 21 physician, psychologist, advanced practice registered nurse,
 22 physician assistant, licensed certified social worker, licensed
 23 professional counselor, licensed behavior analyst, licensed



24 psychiatrist, licensed certified mental health specialist or
25 medical professional employed with the State Department of Health,
26 provided that such professional is not affiliated in any manner
27 with the entity providing the initial assessment, stating that, in
28 the person's professional opinion, the child needs or would
29 benefit from taking the medication for ADD or ADHD; and

30 (b) Provide information and counseling to the parent or
31 guardian of the child about the actual and potential side effects
32 of the medication to be prescribed for ADD or ADHD.

33 **SECTION 2.** No public school employee or public school nurse
34 may administer to any student at the school any medications that
35 are prescribed to treat, manage or control the symptoms of
36 attention deficit disorder (ADD) or attention deficit
37 hyperactivity disorder (ADHD).

38 **SECTION 3.** Section 37-14-3, Mississippi Code of 1972, is
39 amended as follows:

40 37-14-3. (1) The State Department of Education is
41 designated as the state agency responsible for the administration
42 and supervision of the school nurse program as an education and
43 wellness curriculum in the public schools of the State of
44 Mississippi. The public school nurse program administered by the
45 State Department of Education shall be known and may be cited as
46 the "Mary Kirkpatrick Haskell-Mary Sprayberry Public School Nurse
47 Program." It is the intent of the Legislature that all funds made
48 available to the State Department of Education for the purpose of



49 employing school nurses shall be administered by the State
50 Department of Education.

51 (2) The State Department of Education, through the Office of
52 Healthy Schools, shall develop standards, procedures and criteria
53 for the public school nurse programs in Kindergarten through Grade
54 12. The Office of Healthy Schools of the State Department of
55 Education shall assume the responsibility for promoting a
56 statewide school nurse program designed to prepare local school
57 districts to incorporate the school program into their local
58 educational programs.

59 (3) From and after July 1, 2007, the School Nurse
60 Intervention Program administered and funded by the State
61 Department of Health shall be transferred to the Office of Healthy
62 Schools of the State Department of Education. Any administrative
63 personnel employed by the State Department of Health for the
64 administration of school nurses under the School Nurse
65 Intervention Program may be considered for employment by the
66 Office of Healthy Schools of the State Department of Education for
67 the purpose of coordinating the employment of school nurses in the
68 school districts. Any administrative personnel formerly employed
69 by the Partnership for a Healthy Mississippi, Inc., for the
70 administration of school nurses in the public schools may be
71 considered for employment by the Office of Healthy Schools of the
72 State Department of Education for the purpose of coordinating the
73 employment of school nurses in the school districts. All records



74 and unexpended balances of accounts in the School Nurse
75 Intervention Program relating to the employment of school nurses
76 shall be transferred to the Office of Healthy Schools in the State
77 Department of Education in accordance with the transfer of
78 responsibility under this chapter.

79 (4) The nurses in the Mary Kirkpatrick Haskell-Mary
80 Sprayberry Public School Nurse Program shall have the following
81 specific responsibilities:

82 (a) Serve as the coordinator of the health services
83 program and provide nursing care;

84 (b) Provide health education to students;

85 (c) Implement activities to promote health and prevent
86 tobacco, alcohol and substance use and abuse;

87 (d) Identify health and safety concerns in the school
88 environment and promote a nurturing social environment;

89 (e) Administer medications and help students manage
90 their health problems, subject to the prohibitions in Section 2 of
91 this act;

92 (f) Support healthy food services programs;

93 (g) Promote healthy physical education, sports policies
94 and practices;

95 (h) Promote dropout prevention programs; and

96 (i) Participate in allied health programs to introduce
97 students to health careers.



98 (5) The Office of Healthy Schools of the State Department of
99 Education shall provide resources to all public school nurses so
100 that those schools with school nurses will be prepared to provide
101 health education in Mississippi schools and support the
102 Mississippi Comprehensive Health Framework, Mississippi Physical
103 Education Framework, Wellness Policy, coordinated approach to
104 school health, and other resources required by the State Board of
105 Education.

106 (6) In administering the Mary Kirkpatrick Haskell-Mary
107 Sprayberry Public School Nurse Program, the Office of Healthy
108 Schools of the State Department of Education shall perform the
109 following duties:

110 (a) Execute any contracts, agreements or other
111 documents with any governmental agency or any person, corporation,
112 association, partnership or other organization or entity that are
113 necessary to accomplish the purposes of this chapter;

114 (b) Receive grants or any other contributions made to
115 the State Board of Education to be used for specific purposes
116 related to the goals of this chapter;

117 (c) Submit to the State Auditor any financial records
118 that are necessary for the Auditor to perform an annual audit of
119 the commission as required by law;

120 (d) Adopt any rules or regulations that are necessary
121 to carry out the purposes of this chapter;



122 (e) Develop criteria to measure the effectiveness of a
123 school nurse;

124 (f) Communicate to superintendents and principals how
125 to maximize the effectiveness of a public school nurse;

126 (g) Develop recommended salary structure for school
127 districts to use when hiring a school nurse;

128 (h) Communicate to superintendents, principals and
129 other appropriate school officials regarding the statutes and
130 regulations prohibiting the use of tobacco by school personnel on
131 school property and at school events, and to monitor the
132 effectiveness of this ban;

133 (i) Implement policies to reduce unnecessary paperwork
134 by public school nurses; and

135 (j) Take any other actions that are necessary to carry
136 out the purposes of this chapter.

137 **SECTION 4.** Section 41-79-5, Mississippi Code of 1972, is
138 amended as follows:

139 41-79-5. (1) There is * * * established within the State
140 Department of Health a school nurse intervention program,
141 available to all public school districts in the state.

142 (2) By the school year 1998-1999, each public school
143 district shall have employed a school nurse, to be known as a
144 Health Service Coordinator, pursuant to the school nurse
145 intervention program prescribed under this section. The school
146 nurse intervention program shall offer any of the following



147 specific preventive services, and other additional services
148 appropriate to each grade level and the age and maturity of the
149 pupils:

150 (a) Reproductive health education and referral to
151 prevent teen pregnancy and sexually transmitted diseases, which
152 education shall include abstinence;

153 (b) Child abuse and neglect identification;

154 (c) Hearing and vision screening to detect problems
155 which can lead to serious sensory losses and behavioral and
156 academic problems;

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

159 (e) Scoliosis screening to detect this condition so
160 that costly and painful surgery and lifelong disability can be
161 prevented;

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

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

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



170 (i) Emergency treatment of injury and illness to
171 include controlling bleeding, managing fractures, bruises or
172 contusions and cardiopulmonary resuscitation (CPR);

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

175 (k) Establishing and maintaining a comprehensive school
176 health program;

177 (l) Developing individualized health plans;

178 (m) Assessing, planning, implementing and evaluating
179 programs and other school health activities, in collaboration with
180 other professionals;

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

183 (o) Participating in peer review and other means of
184 evaluation to assure quality of nursing care provided for students
185 and assuming responsibility for continuing education and
186 professional development for self while contributing to the
187 professional growth of others;

188 (p) Participating with other key members of the
189 community responsible for assessing, planning, implementing and
190 evaluating school health services and community services that
191 include the broad continuum or promotion of primary, secondary and
192 tertiary prevention; and

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



195 (3) Public school nurses shall be specifically prohibited
196 from providing abortion counseling to any student or referring any
197 student to abortion counseling or abortion clinics. Any violation
198 of this subsection shall disqualify the school district employing
199 such public school nurse from receiving any state administered
200 funds under this section.

201 (4) * * * Public school nurses are subject to the
202 prohibitions in Section 2 of this act.

203 (5) Beginning with the 1997-1998 school year, to the extent
204 that federal or state funds are available therefor and pursuant to
205 appropriation therefor by the Legislature, in addition to the
206 school nurse intervention program funds administered under
207 subsection (4), the State Department of Health shall establish and
208 implement a Prevention of Teen Pregnancy Pilot Program to be
209 located in the public school districts with the highest numbers of
210 teen pregnancies. The Teen Pregnancy Pilot Program shall provide
211 the following education services directly through public school
212 nurses in the pilot school districts: health education sessions
213 in local schools, where contracted for or invited to provide,
214 which target issues including reproductive health, teen pregnancy
215 prevention and sexually transmitted diseases, including syphilis,
216 HIV and AIDS. When these services are provided by a school nurse,
217 training and counseling on abstinence shall be included.

218 (6) In addition to the school nurse intervention program
219 funds administered under subsection (4) and the Teen Pregnancy



220 Pilot Program funds administered under subsection (5), to the
221 extent that federal or state funds are available therefor and
222 pursuant to appropriation therefor by the Legislature, the State
223 Department of Health shall establish and implement an Abstinence
224 Education Pilot Program to provide abstinence education,
225 mentoring, counseling and adult supervision to promote abstinence
226 from sexual activity, with a focus on those groups which are most
227 likely to bear children out of wedlock. Such abstinence education
228 services shall be provided by the State Department of Health
229 through its clinics, public health nurses, school nurses and
230 through contracts with rural and community health centers in order
231 to reach a larger number of targeted clients. For purposes of
232 this subsection, the term "abstinence education" means an
233 educational or motivational program which:

234 (a) Has as its exclusive purpose, teaching the social,
235 psychological and health gains to be realized by abstaining from
236 sexual activity;

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

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

242 (d) Teaches that a mutually faithful monogamous
243 relationship in context of marriage is the expected standard of
244 human sexual activity;



245 (e) Teaches that sexual activity outside of the context
246 of marriage is likely to have harmful psychological and physical
247 effects;

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

251 (g) Teaches young people how to reject sexual advances
252 and how alcohol and drug use increase vulnerability to sexual
253 advances; and

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

256 (7) Beginning with the 1998-1999 school year and pursuant to
257 appropriation therefor by the Legislature, in addition to other
258 funds allotted under the minimum education program, each school
259 district shall be allotted an additional teacher unit per every
260 one hundred (100) teacher units, for the purpose of employing
261 qualified public school nurses in such school district, which in
262 no event shall be less than one (1) teacher unit per school
263 district, for such purpose. In the event the Legislature provides
264 less funds than the total state funds needed for the public school
265 nurse allotment, those school districts with fewer teacher units
266 shall be the first funded for such purpose, to the extent of funds
267 available.

268 (8) Prior to the 1998-1999 school year, nursing staff
269 assigned to the program shall be employed through the local county



270 health department and shall be subject to the supervision of the
271 State Department of Health with input from local school officials.
272 Local county health departments may contract with any
273 comprehensive private primary health care facilities within their
274 county to employ and utilize additional nursing staff. Beginning
275 with the 1998-1999 school year, nursing staff assigned to the
276 program shall be employed by the local school district and shall
277 be designated as "health service coordinators," and shall be
278 required to possess a bachelor's degree in nursing as a minimum
279 qualification.

280 (9) Upon each student's enrollment, the parent or guardian
281 shall be provided with information regarding the scope of the
282 school nurse intervention program. The parent or guardian may
283 provide the school administration with a written statement
284 refusing all or any part of the nursing service. No child shall
285 be required to undergo hearing and vision or scoliosis screening
286 or any other physical examination or tests whose parent objects
287 thereto on the grounds such screening, physical examination or
288 tests are contrary to his sincerely held religious beliefs.

289 (10) A consent form for reproductive health education shall
290 be sent to the parent or guardian of each student upon his
291 enrollment. If a response from the parent or guardian is not
292 received within seven (7) days after the consent form is sent, the
293 school shall send a letter to the student's home notifying the
294 parent or guardian of the consent form. If the parent or guardian



295 fails to respond to the letter within ten (10) days after it is
296 sent, then the school principal shall be authorized to allow the
297 student to receive reproductive health education. Reproductive
298 health education shall include the teaching of total abstinence
299 from premarital sex and, wherever practicable, reproductive health
300 education should be taught in classes divided according to gender.
301 All materials used in the reproductive health education program
302 shall be placed in a convenient and easily accessible location for
303 parental inspection. School nurses shall not dispense birth
304 control pills or contraceptive devices in the school. Dispensing
305 of such shall be the responsibility of the State Department of
306 Health on a referral basis only.

307 (11) No provision of this section shall be construed as
308 prohibiting local school districts from accepting financial
309 assistance of any type from the State of Mississippi or any other
310 governmental entity, or any contribution, donation, gift, decree
311 or bequest from any source which may be utilized for the
312 maintenance or implementation of a school nurse intervention
313 program in a public school system of this state.

314 **SECTION 5.** This act shall take effect and be in force from
315 and after July 1, 2018.

