

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

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SENATE BILL 793*

Short Title: School Nurses Reform. (Public)

Sponsors: Senators Tarte, Edwards, and Waddell (Primary Sponsors).

Referred to: Rules and Operations of the Senate

June 1, 2018

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO RECOMMEND A SCHOOL NURSE STAFFING STANDARD AND DEVELOP AN IMPLEMENTATION PLAN TO MEET THAT STANDARD, TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DEPARTMENT OF PUBLIC INSTRUCTION TO DEVELOP A PLAN TO CONSOLIDATE CERTAIN SCHOOL-BASED NURSING FUNDING PROGRAMS, TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO EXAMINE MEDICAID RATES FOR SCHOOL-BASED NURSING SERVICES, AND TO ESTABLISH MEDICAID REIMBURSEMENT FOR SCHOOL-BASED NURSING SERVICES DOCUMENTED ON 504 PLANS AND INDIVIDUAL HEALTH PLANS, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. No later than January 15, 2020, the State Board of Education, in consultation with the Department of Health and Human Services and the Department of Public Instruction, shall study school-based nursing services provided in the State and submit to the Joint Legislative Education Oversight Committee and the Joint Legislative Oversight Committee on Health and Human Services a report containing (i) a recommended staffing standard of school nurses to students or student populations considered necessary to meet the health needs of students and (ii) an implementation plan for achieving the recommended staffing standard. The report shall also include at least all of the following information:

- (1) The extent to which school-based nursing services currently offered are meeting the health needs of students and the extent to which school-based nursing services would meet the health needs of projected student populations.
- (2) The prevalence and effect of permitting unlicensed assistive personnel to provide student care in the absence of a nurse.
- (3) The school-based nursing staffing standard currently recommended by the National Association of School Nurses.
- (4) A model for the distribution of State funding for school-based nursing services, including factors to consider when determining statewide funding priorities, in lieu of awards based on specific criteria, given the base level of funding provided.
- (5) An estimate of the amount of State funding needed to implement the recommended staffing standard.
- (6) A suggested time line to achieve the recommended staffing standard.
- (7) Any other information the State Board deems relevant.



1 **SECTION 2.** No later than May 1, 2020, the Department of Health and Human
2 Services (DHHS) and the Department of Public Instruction (DPI) shall jointly develop and
3 submit to the Joint Legislative Oversight Committee on Health and Human Services and the Joint
4 Legislative Education Oversight Committee a proposed plan to (i) consolidate the School Nurse
5 Funding Initiative and funding for school-based nursing services through the Child and Family
6 Support Team Initiative into a single program, based on an acuity model, and (ii) allocate funds
7 for school-based nursing services from the consolidated program beginning in the 2020-2021
8 fiscal year. DHHS and DPI shall not implement the proposed consolidation plan except as
9 directed by an act of the General Assembly. The proposed consolidation plan shall include at
10 least all of the following information:

- 11 (1) A memorandum of understanding describing how DHHS and DPI would
12 communicate and interact to oversee and operate the consolidated program.
- 13 (2) Recommendations as to which department should have primary or total
14 responsibility for the program, including information about any potential
15 fiscal or staffing impacts resulting from consolidation.
- 16 (3) Recommendations for implementing an acuity model, i.e., a nurse allocation
17 model based on differentiated needs, for funding school-based nursing
18 services at the statewide level. These recommendations should include factors,
19 weights, and data sources suggested for developing the statewide acuity
20 model.
- 21 (4) An estimate of the frequency with which the State should reevaluate the
22 allocation of funding for school-based nursing services based on the statewide
23 acuity model.
- 24 (5) Recommendations for promoting the development of a local acuity model in
25 each local school administrative unit.
- 26 (6) Any other information DHHS and DPI deem relevant to the successful
27 implementation of their proposed consolidation plan.

28 **SECTION 3.** No later than December 1, 2018, the Department of Health and Human
29 Services shall report to the Joint Legislative Oversight Committee on Medicaid and NC Health
30 Choice and the Fiscal Research Division regarding the results of an examination of the rates paid
31 for school-based nursing services provided to Medicaid recipients. The examination shall include
32 consultation with the Division of Public Health School Health Consultant Team, the Department
33 of Public Instruction, and representatives from Local Education Agencies. The examination shall
34 include a consideration of an increase in school-based nursing services Medicaid rates, whether
35 an increase would encourage Local Education Agencies to submit for Medicaid reimbursement
36 when applicable, and whether an increase in the rate paid for school-based nursing services would
37 require an increase in the rate paid for any other Medicaid services, whether provided in schools
38 or any other setting.

39 **SECTION 4.(a)** No later than October 1, 2018, the Department of Health and Human
40 Services shall submit to the Centers for Medicare and Medicaid Services any State Plan
41 amendment or any waiver necessary to establish Medicaid reimbursement for school-based
42 nursing services that are documented on a recipient's 504 Plan or Individual Health Plan.

43 **SECTION 4.(b)** No later than December 1, 2018, the Department of Health and
44 Human Services shall report to the Joint Legislative Oversight Committee on Medicaid and NC
45 Health Choice and the Fiscal Research Division regarding the status of the State Plan amendment
46 submitted under subsection (a) of this section.

47 **SECTION 5.** This act is effective when it becomes law.