

1 AN ACT relating to school health coordinators.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 156.502 is amended to read as follows:

4 (1) As used in this section:

5 (a) "Health services" means the provision of direct health care, including the
6 administration of medication; the operation, maintenance, or health care
7 through the use of medical equipment; or the administration of clinical
8 procedures. "Health services" does not include first aid or emergency
9 procedures;~~and~~

10 (b) "School employee" means an employee of the public schools of this
11 Commonwealth; and

12 (c) "School health coordinator" means a person who has a valid license to
13 practice as a registered nurse, issued under KRS 314.041 by the Kentucky
14 Board of Nursing, and three (3) years of registered nursing practice, as
15 defined in KRS 314.011.

16 (2) A superintendent shall designate a person to serve as school health coordinator
17 in each school in the district. The school health coordinator shall work in
18 cooperation with all school employees, the local board of education, the
19 department, the local health department, and family resource and youth services
20 centers, in promoting and implementing a school health services program.

21 (3) Health services shall be provided, within the health care professional's current scope
22 of practice, in a school setting by:

23 (a) A physician who is licensed under the provisions of KRS Chapter 311;

24 (b) An advanced practice registered nurse, registered nurse, or licensed practical
25 nurse who is licensed under the provisions of KRS Chapter 314;

26 (c) A nonlicensed health technician that has the administration of health services
27 in his or her contract or job description as a job responsibility and who is

1 delegated responsibility to perform the health service by a physician, advanced
2 practice registered nurse, or registered nurse and has been trained and
3 approved in writing by the delegating physician or delegating nurse for
4 delegable health services; or

5 (d) A school employee who is delegated responsibility to perform the health
6 service by a physician, advanced practice registered nurse, or registered nurse;
7 and

8 1. Has been trained by the delegating physician or delegating nurse for the
9 specific health service, if that health service is one that could be
10 delegated by the physician or nurse within his or her scope of practice;
11 and

12 2. Has been approved in writing by the delegating physician or delegating
13 nurse. The approval shall state that the school employee consents to
14 perform the health service when the employee does not have the
15 administration of health services in his or her contract or job description
16 as a job responsibility, possesses sufficient training and skills, and has
17 demonstrated competency to safely and effectively perform the health
18 service. The school employee shall acknowledge receipt of training by
19 signing the approval form. A copy of the approval form shall be
20 maintained in the student's record and the personnel file of the school
21 employee. A delegation to a school employee under this paragraph shall
22 be valid only for the current school year.

23 (3) If no school employee has been trained and delegated responsibility to perform a
24 health service, the school district shall make any necessary arrangement for the
25 provision of the health service to the student in order to prevent a loss of a health
26 service from affecting the student's attendance or program participation. The school
27 district shall continue with this arrangement until appropriate school personnel are

1 delegated the responsibility for health care in subsection (2) of this section.

2 (4) A school employee who has been properly delegated responsibility for performing a
3 medical procedure under this section shall act as an agent of the school and be
4 granted liability protection under the Federal Paul P. Coverdell Teacher Liability
5 Protection Act of 2001, Pub. L. No. 107-110, unless the claimant establishes by
6 clear and convincing evidence that harm was proximately caused by an act or
7 omission of the school employee that constitutes negligence, willful or criminal
8 misconduct, or a conscious, flagrant indifference to the rights and safety of the
9 individual harmed.

10 (5) Nothing in this section shall be construed to deny a student his or her right to attend
11 public school and to receive public school services, or to deny, prohibit, or limit the
12 administration of emergency first aid or emergency procedures.