

1 AN ACT relating to health services in schools.

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) **"Medication" means all prescription and nonprescription drugs as**
11 **determined by the federal Food and Drug Administration, but does not**
12 **include sunscreen;**

13 (c) "School employee" means an employee of the public schools of this
14 Commonwealth; **and**

15 (d) **"Sunscreen" means a product approved by the federal Food and Drug**
16 **Administration for over-the-counter use for the purpose of limiting**
17 **ultraviolet light-induced skin damage.**

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

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

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

23 (c) A nonlicensed health technician that has the administration of health services in
24 his or her contract or job description as a job responsibility and who is
25 delegated responsibility to perform the health service by a physician, advanced
26 practice registered nurse, or registered nurse and has been trained and
27 approved in writing by the delegating physician or delegating nurse for

1 delegable health services; or

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

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

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

20 (3) If no school employee has been trained and delegated responsibility to perform a
21 health service, the school district shall make any necessary arrangement for the
22 provision of the health service to the student in order to prevent a loss of a health
23 service from affecting the student's attendance or program participation. The school
24 district shall continue with this arrangement until appropriate school personnel are
25 delegated the responsibility for health care in subsection (2) of this section.

26 (4) *(a) Each local board of education shall adopt a policy authorizing a student to*
27 *carry and self-administer student- or parent-provided sunscreen while:*

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- 1. In school;
- 2. Participating in a school-sponsored activity; and
- 3. In before- and after-school care or summer care programs provided by the school.

(b) Local board policy shall permit a school employee to voluntarily assist a student with the application of student- or parent-provided sunscreen.

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

~~(6)~~(5) Nothing in this section shall be construed to deny a student his or her right to attend public school and to receive public school services, or to deny, prohibit, or limit the administration of emergency first aid or emergency procedures.