



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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WEST VIRGINIA SECRETARY OF STATE

**FORM 5 -- NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE OR
A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY **Education**

RULE TYPE **Legislative Exempt AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 126-**

RULE NAME **Standards for Basic and Specialized Health Care Procedures (2422.7) 025A**

CITE AUTHORITY **W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)**

RULE IS LEGISLATIVE EXEMPT

Yes

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE EFFECTIVE DATE OF THIS RULE IS

Monday, September 14, 2015

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Jill M Newman -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 126-025A



Rule Id: 9757



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TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

SERIES 25A
STANDARDS FOR BASIC AND SPECIALIZED
HEALTH CARE PROCEDURES (2422.7)

§126-25A-1. General.

1.1. Scope. - This legislative rule establishes standards for certified school nurses to assess student health needs and to decide who is best skilled to respond to them.

1.2. Authority. - W. Va. Constitution, Article XII, §2, W. Va. Code §§18-2-5, 18-5-22, 18-5-22a, 18-5-22b, 30-7-1, *et seq.* and 30-7A-1, *et seq.*

1.3. Filing Date. – August 14, 2015

1.4. Effective Date. – September 14, 2015

1.5. Repeal of Former Rule. – This rule amends W. Va. 126CSR25A West Virginia Board of Education (hereinafter WVBE) Policy 2422.7, Standards for Basic and Specialized Health Care Procedures, filed August 12, 2010 and effective September 13, 2010.

§126-25A-2. Purpose.

2.1. Good health is essential to student learning. This policy establishes the standards that must be followed in providing for students with health care needs. The resulting Basic and Specialized Health Care Procedure Manual for West Virginia Public Schools was designed for use by certified school nurses in West Virginia to assure safe, consistent provision of health care guided by the laws and practice standards for West Virginia nurses as referenced in W. Va. Code §30-7-1, *et seq.* and §30-7A-1, *et seq.* and by the West Virginia Board of Examiners for Registered Professional Nurses and the West Virginia State Board of Examiners for Licensed Practical Nurses.

§126-25A-3. Definitions.

3.1. Basic Health Care Procedures are defined as procedures performed by school personnel to ensure that health and safety needs of students are met.

3.2. Cardiopulmonary Resuscitation (CPR) is defined as possession of a current valid certificate from an approved training program for adult, child and/or infant CPR, e.g. American Heart Association/American Red Cross.

3.3. Certified School Nurse is defined as a registered professional nurse, who is licensed by the West Virginia Board of Examiners for Registered Professional Nurses (W. Va. Code §30-7-1, *et seq.*), who has completed a West Virginia Department of Education approved program as defined in the WVBE Policy 5100, Approval of Educational Personnel Preparation Programs (W. Va. 126CSR114), and meets the requirements for certification contained in WVBE Policy 5202, Minimum Requirements for the

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Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications (W. Va. 126CSR136) (hereinafter Policy 5202). The certified school nurse must be employed by the county board of education or the county health department as specified in W. Va. Code §18-5-22.

3.4. Contracted Licensed Health Care Provider is defined as a licensed health care provider, as set forth in Section 3.9 of this policy, providing health care services under contract with county boards of education. Health care services may be contracted after the ratio of one nurse for every 1,500 students, kindergarten through seventh grade, is provided to county schools.

3.5. Contracted School Nurse is defined as an employee of a public health department providing services under a contract with a county board of education to provide services considered equivalent to those required in W. Va. Code §18-5-22.

3.6. First Aid is defined as a training course in emergency treatment that is administered to an injured or sick person before professional medical care is available. This training will be coordinated by the school nurse.

3.7. Health Assessment is defined as the process by which the certified school nurse obtains student health data. This assessment is comprehensive, systematic and continuous to allow the certified school nurse to make a nursing diagnosis and plan for interventions with the student, family, school staff and licensed prescriber when necessary.

3.8. Health Care Plan is defined as the written document developed by the certified school nurse which includes a nursing diagnosis, is individualized to the student's health needs and consists of specific goals and interventions delineating the school nursing actions, delegated procedures and student's role in self care.

3.9. Intervention Guide is defined as a written plan of action for health care interventions based on the assessment of the certified school nurse and/or health care provider intended to be implemented by school personnel to ensure the safety and welfare of students requiring health care in the school setting.

3.10. Licensed Health Care Provider is defined as a medical doctor or doctor of osteopathy, podiatrist, registered nurse, practical nurse, registered nurse practitioner, physician assistant, dentist, optometrist, pharmacist or respiratory care professional licensed under Chapter 30 of the West Virginia Code.

3.11. Licensed Practical Nurse is defined as a person who has met all the requirements for licensure as a practical nurse and who engages in practical nursing under the direction of a Registered Professional Nurse as defined in W. Va. Code §30-7A-1, *et seq.* The licensed practical nurse who is employed in a public school shall function under the supervision, assignment and/or delegation of the certified school nurse to perform nursing services (W. Va. Code §18A-4-8).

3.12. Licensed Prescriber is defined as a licensed health care provider with the authority to prescribe medication and health care procedures.

3.13. Performance Check List is defined as a tool used by the certified school nurse in determining that a school employee meets the minimum standards required to safely perform basic and/or specialized health care procedures.

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3.14. Qualified is defined as the ability to demonstrate competence and skills in the use of equipment and performance of techniques and procedures necessary to provide basic and/or specialized health care services for individuals with health needs and to demonstrate current knowledge of community emergency medical resources.

3.15. Related Services are defined as transportation and such developmental, corrective, and other supportive services as are required to assist an eligible exceptional student to benefit from education as defined in WVBE Policy 2419, Regulations for the Education of Exceptional Students (W. Va. 126CSR16), hereinafter Policy 2419. The term includes, but is not limited to, audiology, speech and language pathology, psychological services, physical and/or occupational therapy, counseling/social services, school health services, early identification and assessment, medical services for diagnostic or evaluation purposes and parent training.

3.16. Retrained is defined as a proper demonstration and/or instruction, as deemed necessary by the certified school nurse.

3.17. School Employee as defined by W. Va. Code §18-5-22 means teachers, as defined in W. Va. Code §18-1-1, secretaries, as defined in W. Va. Code §18A-4-8 and aides, as defined in W. Va. Code §18A-4-8.

3.18. School Health Manager is defined as a certified school nurse who reviews and interprets medical data related to student health problems and coordinates all school health services.

3.19. School Related Events is defined as any curricular or co-curricular activity, as defined by WVBE Policy 2510, Assuring the Quality of Education: Regulations for Education Programs (W. Va. 126CSR42), that is conducted outside of the school environment and/or instructional day. Examples of co-curricular activities include the following: band and choral presentations; theater productions; science or social studies fairs; mathematics field days; career/technical student organizations' activities; or other activities that provide in-depth exploration or understanding of the content standards and objectives appropriate for the students' grade levels.

3.20. Specialized Health Care Procedures are defined as procedures ordered by the student's licensed prescriber(s) requiring medical and/or health-related training for the individual who performs the procedures.

3.21. Supervision of Designated School Employees is defined as periodic on-site review and documentation by the certified school nurse verifying the competency of that individual in performing basic and/or specialized health care procedures and maintaining appropriate records.

3.22. Direct Supervision is defined as a certified school nurse being present on the same school campus as the employee being supervised and available for consultation and/or referral for appropriate assistance.

3.23. Indirect Supervision is defined as a certified school nurse being available to the qualified, designated school employee, either in person or through electronic means to provide necessary instruction, consultation and/or referral for appropriate assistance.

3.24. Training is defined as instruction and demonstration provided to designated school

employees in preparation to be qualified for the performance of basic and/or specialized health care procedures.

3.25. School Personnel, as referred to in this policy and the Basic and Specialized Health Care Procedure Manual, includes any school employee, as defined in W. Va. Code §18-5-22 that is not a licensed health care provider but has been designated, trained and deemed competent by a certified school nurse and approved by a school administrator to provide basic and/or specialized health care procedure(s) to students in West Virginia public schools.

§126-25A-4. Training and Certification for Designated School Employees.

4.1. Training Program. School employees who provide basic and/or specialized health care procedures for students with special health needs, shall undergo training or demonstrate competency in the performance of Required procedures that are set forth in Section 4.1.1 of this policy. In addition, applicable basic and/or specialized training will be required for all school employees performing health care procedures.

4.1.a. Required training: All employees defined in Section 4.1 must be trained in:

4.1.a.1. Handling and disposal of body fluids;

4.1.a.2. Basic first aid;

4.1.a.3. CPR;

4.1.a.4. Confidentiality.

4.1.a.4.A. Employees performing basic health care procedures may be exempt from required training of first aid and CPR, if deemed unnecessary by the certified school nurse.

4.1.b. Basic training: Individualized training in the performance of any one or more basic health care procedures as applicable to employee job assignment.

4.1.c. Specialized training: Individualized training in the performance of any one or more specialized health care procedures as applicable to employee job assignment.

4.2. Training and retraining must be provided and/or coordinated by a certified school nurse.

4.3. An assessment of the performance of each procedure shall be completed by the certified school nurse. This assessment shall include the completion of a critical skills performance check list and shall be conducted in relation to changes in student health care needs, licensed prescriber's orders and medical/health technology.

4.4. The category of supervision required (direct or indirect) in each situation shall be determined by the certified school nurse.

4.5. Training shall be provided through simulation or use of training models. Initial practice of the procedure shall be simulated or done on models rather than the student, whenever possible.

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4.6. Personnel shall be retrained, every two years on performance of all basic and/or specialized health care procedures that are currently prescribed and being performed by said personnel.

4.7. School employees will be certified for completion of Required training and applicable basic and/or specialized health care procedures.

4.7.a. Required training certification must assure:

4.7.a.1. Completion of Required training program stipulated for all employees defined in Section 4.1.

4.7.a.2. Demonstrated competency in Required training to be performed in Section 4.1.a.

4.7.b. Basic and Specialized certification must assure:

4.7.b.1. Completion of Required training program stipulated for all employees defined in Section 4.1.

4.7.b.2. Completion of training in all basic and/or specialized health care procedures to be performed.

4.7.b.3. Demonstrated competency based on a performance checklist.

4.8. The Basic and Specialized Health Care Procedure Manual for West Virginia Public Schools must be used for teaching and training basic and specialized health care procedures. The training may be provided by:

4.8.a. Certified school nurses;

4.8.b. Vocational schools;

4.8.c. Independent faculty approved by a certified school nurse;

4.8.d. Schools of nursing;

4.8.e. Public health department;

4.8.f. Licensed health care provider;

4.8.g. Contracted school nurse;

4.8.h. Contracted licensed health care provider.

§126-25A-5. System for School Admission and Care.

5.1. For students needing specialized health care procedures, the certified school nurse shall assess the student, review the licensed prescriber's order and assure implementation of needed health and

safety procedures. This assessment shall be completed prior to initial school attendance and following any absence during which a health condition may have changed, necessitating reevaluation.

5.2. The licensed prescriber's orders are kept on file in the student's permanent educational record. These orders are valid for a maximum of one school year, unless changed by the licensed prescriber.

5.3. Certified school nurses shall determine assignment and/or delegation of any aspect of basic and/or specialized health care.

§126-25A-6. Health Care Plan and Intervention Guide.

6.1. A health care plan is required for all students receiving specialized health care procedure(s) during the school day and school related events.

6.2. The health care plan must be prepared by the certified school nurse based on assessment of student and/or a written order by a licensed prescriber.

6.3. The health care plan shall guide the certified school nurse's care of the student. The school nurse will develop and revise the health care plan using best practices such as NANDA International nursing diagnosis. The health care plan will be reviewed and revised on an annual basis or as necessary with any change in the student's condition or provider's order.

6.4. The plan should contain:

- 6.4.a. Nursing assessment,
- 6.4.b. Nursing diagnosis,
- 6.4.c. Goals and expected outcomes,
- 6.4.d. Interventions and
- 6.4.e. Evaluation.

6.5. An intervention guide may be used at the discretion of the certified school nurse to guide designated school personnel in the provision of emergency care and/or specialized health care procedures of students.

§126-25A-7. Quality Assurance.

7.1. The Basic and Specialized Health Care Procedure Manual for West Virginia Public Schools shall be utilized as the minimum standard for safe practice in consultation with the Commissioner of the Bureau for Public Health as outlined in W. Va. Code §18-5-22 (g).

7.1.a. As medical practices change and new technology is developed, other valid nursing resources may be used to ensure standard of practice and safety of student care. The resources may include, but not be limited to, the *Lippincott Manual* by Williams and Wilkins and *Managing School Age Children with a Chronic Health Condition* by Larson.

7.2. A needs assessment conducted by county school nurses within each Regional Education Service Agency (RESA) will be the basis for revision of the Basic and Specialized Health Care Procedure Manual for West Virginia Public Schools. The Basic and Specialized Health Care Procedure Manual for West Virginia Public Schools will be reviewed and revised on a biennial basis or as deemed necessary by the West Virginia Council of School Nurses based on the needs assessments conducted by school nurses.

7.3. The Council of School Nurses shall meet at least bi-annually, or more frequently, as deemed necessary by the Chair of the Council in consultation with the West Virginia Department of Education for review of certification and training program(s) regarding school employees designated to perform basic and/or specialized health care procedures.

7.4. The certified school nurse shall participate in continuing education programs which provide:

7.4.a. Training related to new specialized health care procedures.

7.4.b. Staff development applicable to effective school health practice.

7.5. The certified school nurse must develop a monitoring system with appropriate time frames to ensure safety and effective monitoring of the assignment and delegation of all basic and/or specialized health care procedures.

§126-25A-8. School Health Records.

8.1. Confidentiality and release of student health information and records shall be protected and maintained as outlined in WVBE Policy 4350, Procedures for Collection, Maintenance and Disclosure of Student Data (W. Va. 126CSR94) and The Family Education Rights and Privacy Act (FERPA) (20 U.S.C. §1232g; 34 CFR Part 99).

8.2. An individual record will be maintained for each student needing a specialized health care procedure. It will include date and time procedure was performed, any notes on events and/or interactions and signature of person performing/supervising procedure.

8.3. School nurses must use standardized nursing terminology when recording nursing notes to establish documentation of care standards.

§126-25A-9. Staffing Requirements.

9.1. Certified school nurses must be employed in sufficient numbers to ensure adequate provision of services to students with complex health care needs. Registered nurses have the authority and the ability to teach and to supervise other persons in rendering selected health services and/or procedures.

9.2. The certified school nurse must have a current license as a registered professional nurse in the State of West Virginia (W. Va. Code §30-7-1, *et seq.*). The school nurse must be certified as a school nurse as set forth in Policy 5202. The certified school nurse must be employed by the county board of education or the county health department (W. Va. Code §18-5-22) which contracts to provide equivalent services to boards of education. Performance of professional nursing service means both independent

nursing functions and health related services which require specialized knowledge, judgment, and skills as governed by the West Virginia Nurse Practice Act (W. Va. Code §30-7-1, *et seq.*) and the National Association of School Nurses, Inc. "Scope and Standards of Professional School Nursing Practice".

9.3. Medical contacts, referrals and interpretations of medical data shall be managed by the certified school nurse. The certified school nurse serves as the manager for health related problems and decisions. In the role of manager, the certified school nurse is responsible for standards of certified school nurse practice in relation to health appraisal and health care planning.

School employees, with the approval of the principal and the county board of education, may elect or in some cases be required to provide approved specialized health care procedures and such procedures shall be delegated by the certified school nurse as deemed appropriate. The certified school nurse shall provide for training, retraining, and supervision, and, upon completion, certify satisfactory level of competence before school employees perform basic and/or specialized health care procedures. A qualified designated school employee may be deemed not qualified in the performance of delegated basic and/or specialized health care procedures based on the ongoing monitoring and supervision by the certified school nurse.

9.4. The licensed practical nurse must be currently licensed in the State of West Virginia (W. Va. Code §30-7A-1, *et seq.*) and must function under the supervision of the registered professional nurse or licensed physician. W. Va. Code §18A-4-8 states licensed practical nurse means a nurse licensed by the West Virginia Board of Examiners for Licensed Practical Nurses who is employed to work in a public school under the supervision of a certified school nurse. The licensed practical nurse shall not function as a certified school nurse or as a school nurse. The licensed practical nurse completes a 12-month career and technical or community college program, obtains a diploma and holds a valid WV LPN licensure; whereas a certified school nurse has completed four to six years of college education, holds at minimum of a Bachelor's degree in nursing, certification in school nursing and a valid WV RN licensure.

9.4.a. Licensed Practical Nurse (LPN) working under the supervision of the school nurse shall practice under assigned and/or delegated nursing duties from the certified school nurse. County policy may include, but not be limited to, the following:

9.4.a.1. Nursing competencies;

9.4.a.2. Itinerate status due to the continuous changes in student health care affecting the staffing of county health care providers;

9.4.a.3. Ability to receive written, verbal, telephone, faxed, electronic and/or emailed orders for student care from a licensed health care provider/prescriber with communication to the certified school nurse responsible for the overall care of the student; and

9.4.a.4. Contribution to the nursing assessment by collecting, reporting and recording objective and subjective data, including health screenings, in an accurate and timely manner to the certified school nurse.

9.4.a.5. Ability to provide student and staff education related to health promotion, disease prevention, and chronic diseases.

9.5. A licensed prescriber and/or professional nurse may be held liable for delegating

professional responsibilities to individuals not qualified to perform them.

§126-25A-10. Student Rights.

10.1. Students are entitled to the assignment of qualified personnel.

10.2. Students are afforded the right to privacy, dignity, respect and courtesy, in accordance with The Family Education Rights and Privacy Act (FERPA) (20 U.S.C. §1232g; 34 CFR Part 99).

§126-25A-11. Penalties.

11.1. Failure of any school personnel to comply with the above rules will result in personnel disciplinary actions based on state and local board of education policy.

§126-25A-12. Administrative Due Process.

12.1. Families dissatisfied with any part of the management and/or delivery of school health services during the curricular day or co-curricular event should:

12.1.a. Schedule a meeting with the certified school nurse and school principal or designee.

12.1.b. Follow due process procedures as outlined in Policy 2419, Section 504 of the Rehabilitation Act of 1973, and/or WVBE Policy 7211, Conflict Resolution Process for Citizens (W. Va. 126CSR188).

§126-25A-13. Incorporation by Reference.

13.1. The Basic and Specialized Health Care Procedure Manual for West Virginia Public Schools is attached and incorporated by reference. Copies of the manual may be obtained from the WVDE or the WV Office of the Secretary of State, Administrative Law Division.

§126-25A-14. Severability.

14.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.