

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HB 514

51st Legislature, 1st Session, 2013

Tracking Number: .191459.2

Short Title: School Nurse in Elementary Schools

Sponsor(s): Representative Elizabeth “Liz” Thomson and Others

Analyst: Sarah Amador-Guzman

Date: February 26, 2013

Bill Summary:

HB 514 amends the *Public School Finance Act* to include the following minimum budget requirements:

- a licensed registered nurse in at least each public elementary school with a student membership (MEM) of 300 or more students; and
- with a provision that allows a school district to apply for a waiver if the school district is unable to hire or contract a school nurse.

The provision gives priority to schools that serve the highest proportion of students who are eligible for free or reduced-fee lunch and is to be phased in over a four-year period as follows:

- effective with school year 2013-2014, at least one-fourth of required public elementary schools;
- effective with school year 2014-2015, at least one-half of required public elementary schools;
- effective with school year 2015-2016, at least three-fourths of required public elementary schools; and
- effective with school year 2016-2017, all required public elementary schools, unless a waiver has been approved by the Public Education Department (PED) or the school has a MEM lower than 300 students but has one or more licensed registered nurses available for hire or contract.

Finally, HB 514 includes an appropriation.

Fiscal Impact:

\$5.0 million is appropriated from the General Fund to PED for expenditure in FY 14 to fund phase one of the elementary school nurse requirement. Any unexpended or unencumbered balance remaining at the end of FY 14 will revert to the General Fund.

Substantive Issues:

According to the National Association of School Nurses (NASN):

- New Mexico’s school nurse-to-student ratio ranked 14th in the nation in 2010, with a ratio of 1:665;

- the benefits of a school nurse include:
 - helping students manage chronic illness;
 - improving student attendance resulting in academic success;
 - addressing health concerns that keep students at school and parents at work;
 - allowing teachers to teach instead of providing healthcare to students;
 - reducing the number of 911 calls; and
 - providing health professional input on wellness programs for the school community.

- it is recommended that a needs-based formula be used to help school districts determine the appropriate number of full-time school nurses needed, the school nurse-to-students ratio includes:
 - 1:750 for students in the general population;
 - 1:225 for student populations requiring daily professional school nursing services or interventions such as Special Education inclusions;
 - 1:125 for student populations with complex healthcare needs;
 - 1:1 may be necessary for individual students with multiple disabilities that require daily or continuous professional nursing services.

According to the Department of Health (DOH) bill analysis, other factors that should be considered in the needs-based formula approach are number of students with a medical home and average number of emergency services per year. Additionally, it is the position of NASN that students with chronic health conditions should have access to a full-time registered professional school nurse. School districts should include school nurse positions in their full-time instructional support personnel to provide health services for all students, including students with chronic health conditions. According to DOH, HB 514 does not address the disparity issue created by lack of access to healthcare services in rural New Mexico.

According to a review by Legislative Education Study Committee (LESC) staff of PED's 2013 enrollment count student membership (MEM) enrollment data for the first reporting period (second Wednesday in October) for school year 2012-2013, of the 444 public elementary schools statewide; 237 elementary schools of 81 school districts may be exempt from this mandate based on the 300 student MEM requirement in HB 514.

Background:

- In 1993 and 1994 the Legislature passed legislation that amended the *Public School Finance Act* to provide a full-time nurse for every school district that employs 55 teachers and a part-time nurse employed in every school district with fewer than 55 teachers; however, the legislation was not funded.
- In 1996, the Legislature passed legislation to delay the date for mandatory employment of school nurses until July 1, 1997, and finally, in 1997 the Legislature repealed this legislation.
- In 2001, the Legislature introduced legislation that would have appropriated \$3.5 million to PED to hire 90 school nurses to perform essential health services in the state's public schools, but it did not pass.

During the 2002 interim, in response to House Joint Memorial 3 (HJM 3) passed in 2001, the LESC heard testimony from the New Mexico School Nurses Association (NMSNA) that

shortage of school nurses exists in New Mexico. The presenters requested that the Legislature consider legislation to support the placement of a school nurse in every public school in New Mexico. Among the statistics presented:

- seven percent of public school districts do not have any registered nurse (RN) staff;
- the ratio of school nurses to student varies from 1:488 to 1:2,150;
- 45 percent of school districts do not meet the national standard of one nurse to 750 students;
- in 69 percent of the school districts there is less than one RN for every two schools;
- beginning November 1, 2002, Medicaid in the Schools will reimburse for authorized nursing tasks;
- schools can use their nursing Medicaid money to hire more nurses in order to meet the need;
- in school year 1999-2000, the number of school nurse FTEs was 373, but there was a need for 433 to best meet the needs of the 324,520 students at 748 schools in the state; and
- during the same year, the nurse-to-student ratio was 1:870 and the nurse-to-school ratio was 1:2.2.

During the 2003 legislative session, CS/HB 528a amended the *Nursing Practice Act* to require the Board of Nursing to implement a pilot program in school medication aides training to determine whether certified medication aides can safely and efficiently administer routine medication in a public school setting; and requires the board to collaborate with DOH and the State Department of Education, now PED, to identify resources for the purpose of establishing the program.

Committee Referrals:

HEC/HAFC

Related Bills:

SB 47 *School-Based Health Centers*