

LESC bill analyses are available on the New Mexico Legislature website ([www.nmlegis.gov](http://www.nmlegis.gov)). Bill analyses are prepared by LESC staff for standing education committees of the New Mexico Legislature. LESC does not assume any responsibility for the accuracy of these reports if they are used for other purposes.

**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**55th Legislature, 1st Session, 2021**

<b>Bill Number</b>	<u>SB31/aSEC</u>	<b>Sponsor</b>	<u>Stefanics</u>
<b>Tracking Number</b>	<u>.218458.2</u>	<b>Committee Referrals</b>	<u>SEC/SFC</u>
<b>Short Title</b>	<u>Full-Time School Nurse</u>		
<b>Analyst</b>	<u>Juliani</u>	<b>Original Date</b>	<u>1/25/2021</u>
		<b>Last Updated</b>	<u>3/2/2021</u>

---

---

**BILL SUMMARY**

Synopsis of SEC Amendment

The Senate Education Committee Amendment to SB31 (SB31/aSEC) adds language that appropriates \$200 thousand from the general fund to PED to assist in the hiring of school nurses in each public school and charter school. The amendment clearly mandates PED grant a waiver to rural school districts with fewer than 250 students, removing language from the original bill that suggested the department had the option to grant the waiver to such school districts, and adds language clearly exempting charter schools from the bill's requirements. The amended bill clarifies the distinct and separate roles of PED and the Board of Nursing in licensing school nurses.

Synopsis of Original Bill

Senate Bill 31 (SB31) requires each public school district to employ at least one full-time school nurse each school year and would preclude PED from approving any school budget that does not provide such employment unless a waiver has been granted. SB31 allows a waiver for any rural school district with fewer than 250 students, provided the school district demonstrates it can effectively meet student health needs by hiring a part-time school nurse or it is not able to hire a qualified nurse or contract with a third party for a qualified nurse because of insufficient availability of qualified nurses in the school district's geographic vicinity. The bill defines "school nurse" and specifies this individual must be a professional registered nurse.

**FISCAL IMPACT**

SB31/aSEC appropriates \$200 thousand from the general fund to PED in FY22 to assist in the hiring of school nurses in each public school and charter school. School districts, unless granted a waiver, would need to find funds to hire a school nurse. Currently, 18 out of 89 (1 out of every 5) school districts in the state lack a full-time school nurse. All but three of the 18 school districts would qualify for the waiver contained with SB31/aSEC and consequently would not be directly affected by the requirement to hire a school nurse.

A July 2020 Program Evaluation from the Legislative Finance Committee indicated the average annual salary in New Mexico for a professional registered nurse was \$71,310 and roughly \$66 thousand in nonmetropolitan areas (outside of Albuquerque, Santa Fe, Farmington, and Las Cruces). However, New Mexico School Nurses Association indicated some school nurses currently make roughly \$30 thousand a year, and an annual salary between \$40 thousand and \$50 thousand would be more competitive with salaries in the broader health care field. Using a figure of \$40 thousand and including benefits figured at 30 percent, the annual amount for a school district to fund a full-time school nurse from its operational budget would be \$52 thousand. At a \$50 thousand salary, this figure would rise to \$65 thousand, including benefits. Based on this latter estimate, the total cost to fund a full-time nurse for school districts currently without a school nurse would be \$195 thousand for the three school districts that do not qualify for a waiver. If the 18 school districts are not granted waivers from PED and must hire a full-time school nurse, the cost would rise to \$1.17 million.

PED's initial analysis estimated a cost of approximately \$2,266,224 to fund a full-time nurse. However, the department's analysis erroneously included state charter schools. However, SB31/aSEC does not contain language that would include charter schools in its requirement to hire a full-time school nurse. The requirement pertains only to school districts.

The House Appropriations and Finance Committee substitute for House Bills 2 and 3 does not include a specific appropriation to PED to assist school districts in hiring a full-time school nurse. The Senate Finance Committee substitute for Senate Bill 377 includes a \$100 thousand appropriation to PED from the general fund to increase the number of school nurses. Additionally, school districts could use funds flowing through the at-risk index potentially or CARES Act funds to hire a full-time school nurse. Fifteen of the 18 school districts that currently lack a full-time school nurse would qualify for the student enrollment waiver. The other three —Chama Valley, Dulce, and Melrose—and would need to hire a full-time nurse in order to allow PED to approve their school budgets.

## **SUBSTANTIVE ISSUES**

**The Need for School Nurses.** A 2016 analysis from the National Association of School Nurses (NASN) found school nurses improve student and school district outcomes, including through improved general health of students and school staff, improved attendance and productivity, and reduced rates of chronic absenteeism and school drop-outs. Research has shown school nurses reduce chronic absenteeism by engaging in many daily practices, including providing outreach to students and families to meet their individual needs, helping students and families access needed physical or mental healthcare providers, ensuring students feel safe at school, and providing student and family support during the school day.

According to PED and the Department of Health *Annual School Health Services Summary Report* for FY19, New Mexico has a statewide ratio of students to school nurses of 620-to-1, meeting NASN's recommendation of 750-to-1. However, many school districts in New Mexico fall significantly short of this recommended threshold. During a presentation to LESC at its November 2020 interim meeting, the president of NMSNA indicated many rural school districts have a student-to-nurse ratio ranging from 800-to-1 to 1,900-to-1.

Eighteen school districts, all located in rural areas of the state, currently lack a full-time school nurse. To remedy this gap, many rural school districts contract nursing services through regional education cooperatives, and share full-time school nurse positions with other small school districts.

Some school districts also partner with one of the state’s 73 federal- and state-funded school-based health centers to provide health services to students. For FY20, the Legislature appropriated \$1 million for RECs and \$1.4 million for school-based health centers to supplement their services to public schools.

**Nurse Shortages.** Recent studies have indicated shortages in the broader nursing workforce are prevalent in the state and more severe in many rural counties. A November 2015 report by the University of New Mexico Health Sciences Center on the state’s healthcare workforce indicated 20 counties had shortages of certified nurse practitioners and clinical nurse specialists (registered nurses with advanced practice), and such shortages were most severe in the less-populated counties. The New Mexico Health Care Workforce Committee’s annual report from 2019 indicated the state fell below the national benchmark for the number of registered nurses in 2018 and would need an additional 3,689 registered nurses for all counties to meet the national benchmark of 8.64 per 1,000 inhabitants. The report also found the state would need an additional 135 certified nurse practitioners and clinical nurse specialists to meet the national benchmark of 0.59 per 1,000 inhabitants.

**Waiver for Small Rural School Districts.** SB31/aSEC requires each public school district to employ at least one full-time school nurse each school year but would provide a waiver for any rural school district with fewer than 250 students, if the school district demonstrates it can effectively meet student health needs by hiring a part-time school nurse or it is not able to hire a qualified nurse or contract with a third party for a qualified nurse because of insufficient availability of qualified nurses in the vicinity. This waiver attempts to ensure the requirements do not present an undue burden for school districts due to an insufficient availability of qualified nurses in rural areas of the state.

Based on FY20 student enrollment data, the state currently has 23 school districts with student enrollments of fewer than 250, representing 26 percent of total school districts that would qualify for a waiver to the mandate to fund a full-time school nurse. This figure includes 15 of the 18 school districts currently without a full-time school nurse. Consequently, 83 percent of school districts lacking a full-time school nurse would remain exempt from the bill’s requirements. The other three school districts — Chama Valley, Dulce, and Melrose — with enrollments in excess of 250 students would not qualify for the waiver and, consequently, would need to hire a full-time nurse for PED to approve their school budgets (**See Attachment A**).

**Defining “Rural.”** SB31/aSEC does not provide a definition or interpretation of the use of “rural” as a concept to distinguish between school districts and determine eligibility for the bill’s waiver. Without clearly defining “rural,” the bill allows for a subjective interpretation of the term, potentially complicating or obscuring eligibility for the waiver that is based, partly, on an undefined metric. Whether a place’s “rural” status is based on geographical or cultural factors, such as population size, density of population, economic infrastructure, presence of agrarian-based economic activities, or other measures, will carry significant consequences. “Rural” is a subjective gatekeeper to determining a school district’s eligibility.

**Definition of School Nurse.** SB31/aSEC defines school nurse as “a person who is a nurse authorized pursuant to the Nursing Practice Act to practice as a professional registered nurse; is licensed by the department and the board of nursing as a school nurse; and provides services as a school nurse at a school.” Pursuant to the Nursing Practice Act (61-3-24 NMSA 1978), a professional registered nurse has the ability to practice “the full scope of nursing requiring

substantial knowledge of the biological, physical, social and behavioral sciences and of nursing theory.”

This practice includes:

- (1) Assessing the health status of individuals, families and communities,
- (2) Establishing a nursing diagnosis,
- (3) Establishing goals to meet identified health care needs,
- (4) Developing a plan of care,
- (5) Determining nursing intervention to implement the plan of care,
- (6) Implementing the plan of care commensurate with education and verified competence,
- (7) Evaluating responses to interventions,
- (8) Teaching based on the theory and practice of nursing,
- (9) Managing and supervising the practice of nursing,
- (10) Collaborating with other health care professionals in the management of health care, and
- (11) Conducting nursing research.

SB31/aSEC specifies a school nurse must be a professional registered nurse, as distinguished from other nursing practitioners. A professional registered nurse differs in level of formal education and scope of practice from other nursing professionals who sometimes provide nursing services in schools, such as licensed professional nurses who are required to have an associate’s, rather than a bachelor’s, degree in nursing. NMAC 6.63.2 outlines the PED-issued licensure requirements for school nurses and the credentialing requirements and competencies related to the differing levels of training and responsibility for the varied levels of school nurses — associate, professional, and supervisory.

## **ADMINISTRATIVE IMPLICATIONS**

SB31/aSEC would require PED to promulgate rules related to waivers for school districts.

Section 24-1-4 NMSA 1978 indicates DOH must provide medical oversight and support to school nurses through consultations, trainings, receiving and responding to reports; direction regarding medical protocol; assistance obtaining medical supplies; and other tasks. As DOH’s analysis indicates, DOH maintains clinical oversight of school nursing services and would likely be included in the rule promulgation. DOH would likely have an increased burden to provide oversight and content expertise to schools.

PED’s analysis noted the bill would require PED to determine how a rural school district with an enrollment less than 250 students can demonstrate it can effectively meet student health needs by hiring a part-time nurse.

## **TECHNICAL ISSUES**

Section 3 of SB31/aSEC includes language appropriating \$200 thousand to PED to assist in the hiring of a school nurse in each public school and charter school, but the department is mandated to waive the requirement for certain rural districts in section 1, subsection B, and all charter schools in section 1, subsection C.

Analysis by the New Mexico Board of Nursing noted the Board of Nursing issues nursing licenses but does not issue a “school nurse” license, which is issued by PED. The Board of Nursing recommended clarifying this language in this bill or subsequent amendment.

Analysis by PED noted a similar issue, stating SB31/aSEC’s language that a ““a school nurse” means a person who is licensed by the department and the board of nursing as a school nurse” is wrong in that the Board of Nursing does not designate nurses as “school nurses.”

### **OTHER SIGNIFICANT ISSUES**

School districts have various options for placing nurses in schools statewide. Some school districts contract nursing services through regional education cooperatives or share full-time nurses with other small school districts due to a lack of licensed school nurses in their geographical vicinity. Many school districts also employ licensed practical nurses, health assistants, and contracted nurses, as well as partner with school-based health centers in addition to or in lieu of employing full-time registered nurses.

The bill sponsor may want to consider adding a definition of “rural” to differentiate from “urban” or other geographical designations to allow for a clear distinction among school districts located in rural, urban, and other non-rural areas of the state. Alternatively, perhaps a simple demarcation between what are considered the state’s few metropolitan areas—Albuquerque, Santa Fe, Farmington, and Las Cruces—and all other areas as nonmetropolitan rather than the use of the more subjective term, “rural.”

### **RELATED BILLS**

Relates to HB24, School District Full-Time Nurses, which requires every school district to hire a full-time school nurse (providing a waiver for rural school districts with fewer than 250 students).

Relates to HB32, Full-Time School Nurse, which requires every public school to hire a full-time school nurse (providing a waiver for rural schools with fewer than 250 students).

### **SOURCES OF INFORMATION**

- LESC Files
- Legislative Finance Committee
- Public Education Department
- Department of Health
- NM Board of Nursing Files

**RJ/kh**

## School Districts Currently Lacking Full-Time School Nurse

\* denotes districts with FY20 student enrollment less than 250

Chama Valley (404 total students)

Dulce (599 total students)

Melrose (275 total students)

Lake Arthur\*

Carrizozo\*

Corona\*

Dora\*

Elida\*

Floyd\*

Hondo\*

Mesa Vista\*

Quemado\*

Reserve\*

Springer\*

Vaughn\*

House\*

Mosquero\*

Wagon Mound\*