

AMENDED IN SENATE APRIL 1, 2014

SENATE BILL

No. 1239

Introduced by Senator Wolk

February 20, 2014

~~An act to amend Section 49427 of the Education Code, relating to pupil health.~~ *An act to add Section 49428 to the Education Code, to add Section 1371.34 to the Health and Safety Code, and to add Section 10133.68 to the Insurance Code, relating to pupil health care services.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1239, as amended, Wolk. ~~Pupil health: school health services.~~ *Pupil health care services: school nurses.*

(1) Existing law requires the governing board of a school district to give diligent care to the health and physical development of pupils, and authorizes the governing board of a school district to employ properly certified persons for the work. Existing law authorizes a school nurse, subject to approval by the governing board of the school district, to perform various pupil health services, including, among others, evaluating the health and developmental status of pupils, and designing and implementing health maintenance plans to meet the individual health needs of pupils.

This bill, on and after July 1, 2016, would require the governing board of a school district that is eligible for concentration funding pursuant to the provisions of the local control funding formula to employ at least one school nurse as a supervisor of health, and would require a supervisor of health to supervise other school nurses, registered nurses, or other licensed vocational nurses employed by a school district and, if applicable, a nurse of a county office of education under contract,

as provided. The bill would require the governing board of a school district to consider specified factors in determining the number of nurses to be supervised by the supervisor of health, including, among others, the acuity of pupil health care needs. Because the bill would require school districts to perform new duties, the bill would impose a state-mandated local program.

(2) Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. Existing law provides for the reimbursement of claims and the resolution of claim and coverage disputes, as specified. Existing law requires a health care service plan to reimburse providers for emergency services and care provided to its enrollees until the care results in stabilization of the enrollee and also requires group plans to authorize and permit assignment of the enrollee's right to reimbursement for covered health care services to the State Department of Health Care Services when services are provided to a Medi-Cal beneficiary. Existing law provides for the direct payment of group insurance medical benefits by a health insurer to the person or persons furnishing or paying for hospitalization or medical or surgical aid or, in the case of a Medi-Cal beneficiary, to the State Department of Health Care Services, as specified. Existing law provides that specified services provided by a local educational agency are covered Medi-Cal benefits and authorizes providers to bill for those services.

This bill would require a health care service plan or health insurer to reimburse a school district for the health care services provided by a school nurse, registered nurse, or licensed vocational nurse employed by, or under contract with, a school district to an enrollee or insured that would otherwise be covered by the enrollee's plan contract or the insured's health insurance policy and would authorize the school district to submit a claim to a health care service plan or health insurer for reimbursement of the cost of those services. Because a willful violation of the bill's requirements with respect to health care service plans would be a crime, the bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~Existing law establishes criteria for employment of school medical personnel, and declares the intent of the Legislature that fundamental school health services be maintained, by the governing board of each school district and each county superintendent of schools, at a level that is adequate to accomplish specified goals, including, among others, fulfilling existing state requirements and policies regarding pupil health.~~

~~This bill would make a nonsubstantive change to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) *The Legislature finds and declares both of*
2 *the following:*

3 (1) *The health needs of pupils are not being adequately met in*
4 *California’s schools due to a lack of qualified health professionals*
5 *employed by school districts who have access to local school*
6 *campuses.*

7 (2) *Nurses are uniquely qualified to attend to the primary care*
8 *of pupils suffering from chronic and acute health conditions.*

9 (b) *It is therefore the intent of the Legislature in enacting this*
10 *act to ensure that a school district that is eligible for concentration*
11 *funding under the local control funding formula employ at least*
12 *one school nurse, in accordance with standards accepted by*
13 *national professional nursing organizations.*

14 SEC. 2. *Section 49428 is added to the Education Code, to read:*

15 49428. (a) *The governing board of a school district that is*
16 *eligible to receive concentration funding under the local control*
17 *funding formula pursuant to subdivision (f) of Section 42238.02*
18 *shall employ at least one school nurse as a supervisor of health.*
19 *The supervisor of health shall supervise other school nurses,*
20 *registered nurses, or licensed vocational nurses employed by the*
21 *school district and, if applicable, a school nurse of a county office*
22 *of education under contract pursuant to subdivision (d).*

1 (b) The governing board of a school district shall consider the
2 following factors in determining the number of nurses to be
3 supervised by the supervisor of health:

- 4 (1) The acuity of pupil health care needs.
- 5 (2) The distance and travel time between schools under the
6 supervision of the school nurse.
- 7 (3) The total healthy pupil population at each schoolsite.

8 (c) A registered nurse or licensed vocational nurse shall provide
9 health care services to pupils under the supervision of a school
10 nurse.

11 (d) A school district may contract with a county office of
12 education for the services of a school nurse employed by the county
13 office of education.

14 (e) This section shall not apply to schools served by a school
15 health center, as defined in Section 124174 of the Health and Safety
16 Code. However, the Legislature encourages schools with a school
17 health center to also employ a school nurse.

18 (f) For purposes of this section, the following definitions apply:

19 (1) "Licensed vocational nurse" means a licensed vocational
20 nurse licensed under Chapter 6.5 (commencing with Section 2840)
21 of Division 2 of the Business and Professions Code.

22 (2) "Registered nurse" means a registered nurse licensed under
23 Chapter 6 (commencing with Section 2700) of Division 2 of the
24 Business and Professions Code.

25 (3) "School nurse" has the same meaning as set forth in Section
26 49426.

27 (g) This section shall be operative on July 1, 2016.

28 SEC. 3. Section 1371.34 is added to the Health and Safety
29 Code, to read:

30 1371.34. A health care service plan shall reimburse a school
31 district for the health care services provided by a school nurse,
32 registered nurse, or licensed vocational nurse employed by, or
33 under contract with, a school district, pursuant to Section 49428
34 of the Education Code, to an enrollee of the plan that would
35 otherwise be covered by the enrollee's plan contract. The school
36 district may submit a claim to a health care service plan for
37 reimbursement of the services described in this section. The
38 enrollee shall not be responsible for any share of the cost of
39 providing the services described in this section.

1 SEC. 4. Section 10133.68 is added to the Insurance Code, to
2 read:

3 10133.68. A health insurer shall reimburse a school district
4 for the health care services provided by a school nurse, registered
5 nurse, or licensed vocational nurse employed by, or under contract
6 with, a school district, pursuant to Section 49428 of the Education
7 Code, to an insured of the insurer that would otherwise be covered
8 by the insured's policy of health insurance. The school district
9 may submit a claim to a health insurer for reimbursement of the
10 services described in this section. The insured shall not be
11 responsible for any share of the cost of providing the services
12 described in this section.

13 SEC. 5. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution for certain
15 costs that may be incurred by a local agency or school district
16 because, in that regard, this act creates a new crime or infraction,
17 eliminates a crime or infraction, or changes the penalty for a crime
18 or infraction, within the meaning of Section 17556 of the
19 Government Code, or changes the definition of a crime within the
20 meaning of Section 6 of Article XIII B of the California
21 Constitution.

22 However, if the Commission on State Mandates determines that
23 this act contains other costs mandated by the state, reimbursement
24 to local agencies and school districts for those costs shall be made
25 pursuant to Part 7 (commencing with Section 17500) of Division
26 4 of Title 2 of the Government Code.

27 SECTION 1. ~~Section 49427 of the Education Code is amended~~
28 ~~to read:~~

29 ~~49427. (a) It is the intent of the Legislature that the governing~~
30 ~~board of each school district and each county superintendent of~~
31 ~~schools maintain fundamental school health services at a level that~~
32 ~~is adequate to accomplish all of the following:~~

- 33 ~~(1) Preserve pupils' ability to learn.~~
34 ~~(2) Fulfill existing state requirements and policies regarding~~
35 ~~pupil health.~~
36 ~~(3) Contain health care costs through preventive programs and~~
37 ~~education.~~

38 ~~(b) The Legislature finds and declares that the provision of these~~
39 ~~services may be in jeopardy due to the current caseloads in the~~
40 ~~public schools, and that failure to maintain adequate health services~~

- 1 ~~and standards will result in pupils' poorer health and ability to~~
- 2 ~~learn.~~

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