



SCHOOL HEALTH PROGRAM
DIVISION OF PUBLIC HEALTH – LIFESPAN HEALTH SERVICES
www.dhhs.ne.gov/SchoolHealth

MEMO

TO: School Nurses
School Administrators

FROM: Kathy Karsting, RN, School and Child Health Program
DHHS Division of Public Health, School Health Program

SUBJECT: Decisions about nursing care at school

DATE: May 9, 2008

The purpose of this memo is to provide information about planning for children with special needs in your school who may require medical procedures or care during the school day.

I am often asked for guidelines for assigning nursing interventions or procedures to unlicensed school personnel. While there is no “cookie-cutter” approach to planning for the needs of each individual child, essential information is found in the Nurse Practice Act (Neb. Rev. Stat. 71-1,132.01 to 71-1,132.53) and in Title 172 NAC 99, “Provision of Nursing Care”.

Why are school administrators affected by how the state of Nebraska regulates the practice of nursing? The Nurse Practice Act defines the practice of nursing as (among other criteria) including the execution of therapeutic regimens prescribed by any person lawfully authorized to prescribe. Title 172 NAC 99 Sections 004.01A through 004.01C clearly describe that only Registered Nurses licensed in accordance with the Nurse Practice Act may delegate interventions which can be performed by non-nurses. Individual tasks labeled as nursing provided in isolation by unlicensed persons functioning independently of the nurse is unlawful and constitutes the practice of nursing without a license. School employees who are assigned cares for children with medical needs as a function of their employment fall under the scope of the Nurse Practice Act

In brief, the regulatory guidance and the Nurse Practice Act for making delegation decisions looks specifically at distinguishing between non-complex and complex interventions.

Complex interventions means those which require nursing judgment to safely alter standard procedures in accordance with the needs of the patient/student; or require nursing judgment to determine how to proceed from one step to the next; or require the multidimensional application of the nursing process. Complex interventions may not be delegated to non-nurses.

Non-complex interventions means those which can safely be performed according to exact directions, do not require alteration of the standard procedure, and for which the results and patient/student responses are predictable.

Students who are not medically stable, who are new to the school environment (and consequently response to changing environments and exposures is unknown or unpredictable), and/or students who require complex interventions at school will require particular caution in your staffing decisions. When a child presents at school with medically-necessary cares that must be incorporated into the educational plan, a school nurse or other licensed Registered Nurse can be an essential asset in developing the plan of care, or individualized health care plan (IHP), including identifying the responsibilities of unlicensed school personnel.

Many parents will express a desire for a trusted teacher or para to participate directly in providing their child's nursing procedures, such as a tube feeding, catheterization, suctioning or other respiratory cares or treatments. This may or may not be feasible for the school to consider in any individual case. A registered nurse must be involved in the decision, because these procedures are to be provided at school, not home. Because the procedures will be assigned to a person as a function of employment by the school, the school is responsible for how the decisions of assignment are made and assuring state law and regulation are followed. Such decisions should be made lawfully for the safety and medical wellbeing of the student, and in accordance with the regulated practice of nursing in the state of Nebraska.

It should be noted that parents/guardians have the right to perform cares and procedures for their own child at school, and also to designate a person of their choosing or employment to come to school on behalf of parent/guardian to perform cares. The designee is a person whom parent/guardian will supervise and be fully responsible for – essentially removing school personnel from the duty to perform cares for the student. In such an instance, the school should act specifically to obtain in writing a release from the parent/guardian for the responsibilities of providing care to the child at the parent's request, and a written plan for how such cares will be provided in lieu of school personnel for inclusion in the child's IEP/504 Plan/IHP.

The regulations of 172 NAC 99 specifically do not apply to a) persons who perform self-care; b) family, foster parents, or friends who provide home care; and c) persons performing health maintenance activities in accordance with Neb. Rev. Stat. 71-1,132.30. These regulations also do not apply to the provision of activities of daily living and personal care by unlicensed persons when such cares do not rise to the level of requiring the application of nursing judgment or skill based upon a systematized body of nursing knowledge.

The full text of 172 NAC 99 can be found at http://www.sos.ne.gov/rules-and-regs/regsearch/Rules/Health_and_Human_Services_System/Title-172/Chapter-99.pdf

It is important to note that the Individuals with Disabilities Education Act of 2004 includes school health services in the description of Related Services. If it is determined that the related services are needed for a child to benefit from his or her special education program, those services must be provided. School health services in IDEA are to be provided by a qualified school nurse or other qualified person. Examples of such services may include but are not limited to catheterization, giving medications, or writing an individualized health care plan.

For more information about nursing as a related service under IDEA, contact Beth Wierda or Jill Weatherly at the Dept. of Education. For more information about skills and procedures for students with medical needs, contact Kathy Karsting in the School Health Program in the Division of Public Health at Dept. of Health and Human Services. For information about the scope of nursing and pertinent laws and regulations governing practice, contact Karen Bowen in the Licensure Unit in the Division on Public Health at DHHS. All contact information is shown below.

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