

18A:40-3.2

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2012 **CHAPTER:** 5

NJSA: 18A:40-3.2 (Establishes standards of practice for providers of clinical nursing services for medically fragile students)

BILL NO: S375 (Substituted for A1838)

SPONSOR(S) Beach and others

DATE INTRODUCED: January 10, 2012

COMMITTEE: **ASSEMBLY:** ---

SENATE: Health, Human Services and Senior Citizens

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** March 15, 2012

SENATE: March 15, 2012

DATE OF APPROVAL: May 2, 2012

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Second Reprint enacted)

S375

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

A1838

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"N.J. legislation finally protects school children with serious medical conditions," NewJerseyNewsroom.com, May 10, 2012

LAW/KR

P.L.2012, CHAPTER 5, *approved May 2, 2012*

Senate, No. 375 (*Second Reprint*)

1 AN ACT concerning medically fragile students and amending
2 P.L.1999, c.153.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 1 of P.L.1999, c.153 (C.18A:40-3.2) is amended to
8 read as follows:

9 1. a. The Legislature finds and declares that school nursing is a
10 separate and distinct specialty within the nursing and educational
11 professions and that therefore competence in specified areas of
12 health and education is needed in order for school nurses to act as
13 health advocates for school-age children.

14 b. The Legislature further finds and declares that medically
15 fragile students are often diagnosed with medical conditions and
16 life-threatening diseases, including cerebral palsy, seizure disorder,
17 and other neurological diseases, that require mechanical ventilation
18 and emergent intervention by providers of clinical nurse services
19 while attending school. Medically fragile students who require
20 clinical nursing services while attending school should expect and
21 receive the same level of care they receive at home. Maintaining a
22 continuity of care for medically fragile students creates a safer
23 environment at school, fosters learning, and gives parents
24 confidence that their children's medical needs are being met by
25 qualified health care providers. Currently, there are no standards of
26 practice in place for providers of clinical nursing services. As a
27 result, the quality of care medically fragile students receive in
28 school is often inadequate to meet their health care needs.
29 Therefore, it is in the public interest that, in order to guarantee the
30 health and safety of medically fragile students while attending
31 school, providers of clinical nursing services for such students meet
32 the same qualifications as providers of clinical nursing
33 '[specialist]' services certified to participate in the State's
34 Medicaid and NJ FamilyCare programs, and that parents should be
35 given the option to choose the provider who will render clinical
36 nursing services to their children while attending school, if the cost
37 remains neutral to the school district.

38 (cf: P.L.1999, c.153, s.1)

39
40 2. Section 2 of P.L.1999, c.153 (C.18A:40-3.3) is amended to
41 read as follows:

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SHH committee amendments adopted February 9, 2012.

²Senate floor amendments adopted February 13, 2012.

1 2. ²a.² A school district shall only utilize or employ for the
2 provision of nursing services in the public schools of the district
3 persons holding an educational services certificate with an
4 endorsement as a school nurse issued by the State Board of
5 Examiners, except for those non-nursing personnel who are
6 otherwise authorized by statute or regulation to perform specific
7 health related services. Special education students and those with
8 medical needs requiring specialized care shall have that care
9 rendered by an appropriate provider as appointed by the 'State'
10 Board of Education. No person shall be issued such certificate
11 unless the person is licensed as a registered nurse pursuant to the
12 provisions of P.L.1947, c.262 (C.45:11-23 et seq.) and meets all of
13 the requirements prescribed by the board for a nursing endorsement.
14 A school district may supplement the services provided by the
15 certified school nurse with non-certified nurses, provided that the
16 non-certified nurse is assigned to the same school building or
17 school complex as the certified school nurse.

18 ²b.² A medically fragile student requiring clinical nursing
19 services shall have ²[such care] those services² rendered by a
20 provider of clinical nursing services ²[who meets the same
21 standards and criteria established by the Department of Human
22 Services for providers of clinical nursing ¹[specialist]¹ services
23 ¹[certified] approved¹ to participate in the ¹[State]¹ Medicaid
24 program pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and the NJ
25 FamilyCare Program pursuant to P.L.2005, c.156 (C.30:4J-8 et
26 seq.).] as defined in this subsection.² ¹Nothing in this section shall
27 be construed to exclude a licensed health care service firm that is
28 approved to provide private duty nursing under the Medicaid
29 Program and is in compliance with State Board of Education
30 regulations¹. The parent or legal guardian of a medically fragile
31 student shall have the option to choose a provider to render clinical
32 nursing services to the student, and the ¹State¹ Board of Education
33 shall allow the provider chosen by the parent or legal guardian to
34 render such services to the student only if the cost to the school
35 district remains neutral.

36 As used in this ²[section] subsection² ¹[, “medically”] :

37 “Medically¹ fragile student” means a school-aged child who
38 suffers from a life-threatening medical condition, and as a result of
39 such condition, requires more individualized and continuous care
40 than is available from a school nurse.

41 “Clinical nursing services” means ¹specific¹ health care services,
42 based on a medically fragile student’s individualized education plan
43 and a physician’s ¹or advanced practice nurse’s¹ orders, ²as²
44 provided by a registered nurse or licensed practical nurse with
45 specialized pediatric training who attends to the student¹.

46 ²[“Provider”] “Provider of clinical nursing services”² means an
47 agency that renders clinical nursing services and is approved to

1 provide private duty nursing under the Medicaid program pursuant
2 to P.L.1968, c.413 (C.30:4D-1 et seq.)¹ ²or the NJ FamilyCare
3 Program pursuant to P.L.2005, c.156 (C.30:4J-8 et al.)² .
4 (cf: P.L.1999, c.153, s.2)

5

6 3. This act shall take effect immediately.

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11 Establishes standards of practice for providers of clinical nursing
12 services for medically fragile students.

SENATE, No. 375

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Senator JAMES BEACH

District 6 (Burlington and Camden)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

SYNOPSIS

Establishes standards of practice for clinical nursing services providers for medically fragile students.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



S375 BEACH, VITALE

2

1 AN ACT concerning medically fragile students and amending
2 P.L.1999, c.153.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 1 of P.L.1999, c.153 (C.18A:40-3.2) is amended to
8 read as follows:

9 1. a. The Legislature finds and declares that school nursing is a
10 separate and distinct specialty within the nursing and educational
11 professions and that therefore competence in specified areas of
12 health and education is needed in order for school nurses to act as
13 health advocates for school-age children.

14 b. The Legislature further finds and declares that medically
15 fragile students are often diagnosed with medical conditions and
16 life-threatening diseases, including cerebral palsy, seizure disorder,
17 and other neurological diseases, that require mechanical ventilation
18 and emergent intervention by providers of clinical nurse services
19 while attending school. Medically fragile students who require
20 clinical nursing services while attending school should expect and
21 receive the same level of care they receive at home. Maintaining a
22 continuity of care for medically fragile students creates a safer
23 environment at school, fosters learning, and gives parents
24 confidence that their children's medical needs are being met by
25 qualified health care providers. Currently, there are no standards of
26 practice in place for providers of clinical nursing services. As a
27 result, the quality of care medically fragile students receive in
28 school is often inadequate to meet their health care needs.
29 Therefore, it is in the public interest that, in order to guarantee the
30 health and safety of medically fragile students while attending
31 school, providers of clinical nursing services for such students meet
32 the same qualifications as providers of clinical nursing specialist
33 services certified to participate in the State's Medicaid and NJ
34 FamilyCare programs, and that parents should be given the option
35 to choose the provider who will render clinical nursing services to
36 their children while attending school, if the cost remains neutral to
37 the school district.

38 (cf: P.L.1999, c.153, s.1)

39
40 2. Section 2 of P.L.1999, c.153 (C.18A:40-3.3) is amended to
41 read as follows:

42 2. A school district shall only utilize or employ for the
43 provision of nursing services in the public schools of the district
44 persons holding an educational services certificate with an
45 endorsement as a school nurse issued by the State Board of

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 Examiners, except for those non-nursing personnel who are
2 otherwise authorized by statute or regulation to perform specific
3 health related services. Special education students and those with
4 medical needs requiring specialized care shall have that care
5 rendered by an appropriate provider as appointed by the Board of
6 Education. No person shall be issued such certificate unless the
7 person is licensed as a registered nurse pursuant to the provisions of
8 P.L.1947, c.262 (C.45:11-23 et seq.) and meets all of the
9 requirements prescribed by the board for a nursing endorsement. A
10 school district may supplement the services provided by the
11 certified school nurse with non-certified nurses, provided that the
12 non-certified nurse is assigned to the same school building or
13 school complex as the certified school nurse.

14 A medically fragile student requiring clinical nursing services
15 shall have such care rendered by a provider of clinical nursing
16 services who meets the same standards and criteria established by
17 the Department of Human Services for providers of clinical nursing
18 specialist services certified to participate in the State Medicaid
19 program pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and the NJ
20 FamilyCare Program pursuant to P.L.2005, c.156 (C.30:4J-8 et
21 seq.). The parent or legal guardian of a medically fragile student
22 shall have the option to choose a provider to render clinical nursing
23 services to the student, and the Board of Education shall allow the
24 provider chosen by the parent or legal guardian to render such
25 services to the student only if the cost to the school district remains
26 neutral.

27 As used in this section, "medically fragile student" means a
28 school-aged child who suffers from a life-threatening medical
29 condition, and as a result of such condition, requires more
30 individualized and continuous care than is available from a school
31 nurse. "Clinical nursing services" means health-care related
32 services, based on a medically fragile student's individualized
33 education plan and a physician's orders, provided by a registered
34 nurse or licensed practical nurse with specialized pediatric training
35 who attends to the student.

36 (cf: P.L.1999, c.153, s.2)

37

38 3. This act shall take effect immediately.

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STATEMENT

42

43 This bill amends current law to mandate that a medically fragile
44 student requiring clinical nursing services would have such care
45 rendered by a provider of clinical nursing services who meets the
46 same standards and criteria established by the Department of
47 Human Services for providers of clinical nursing specialist services

S375 BEACH, VITALE

4

1 certified to participate in the State Medicaid and NJ FamilyCare
2 programs.

3 Currently, special education students and those with medical
4 needs requiring specialized care have that care rendered by an
5 appropriate provider appointed by the Board of Education.

6 The bill defines "medically fragile student" to mean a school-
7 aged child who suffers from a life-threatening medical condition
8 and as a result of such condition, requires more individualized and
9 continuous care than is available from a school nurse. "Clinical
10 nursing services" is defined to mean health-care related services,
11 based on a medically fragile student's individualized education plan
12 and a physician's orders, provided by a registered nurse or licensed
13 practical nurse with specialized pediatric training who attends to the
14 student.

15 The bill also requires that the parent or legal guardian of a
16 medically fragile student have the option to choose the provider to
17 render clinical nursing services to the student, and the Board of
18 Education shall allow the provider chosen by the parent or legal
19 guardian to render such services to the student only if the cost to the
20 school district remains neutral.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 375

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 9, 2012

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with amendments Senate Bill No. 375.

As reported, this amended bill mandates that a medically fragile student requiring clinical nursing services have such care rendered by a provider of clinical nursing services who meets the same standards and criteria established by the Department of Human Services for providers of clinical nursing specialist services certified to participate in the State Medicaid and NJ FamilyCare programs.

In addition to technical changes, the committee amendments delete references to clinical nursing “specialist” services, and provide that nothing in the bill is to be construed to exclude a licensed health care service firm that is approved to provide private duty nursing under the State Medicaid Program and is in compliance with State Board of Education regulations from providing care to a medical fragile student. Further, the term “provider” is defined to mean an agency that renders clinical nursing services and is approved to provide private duty nursing under the State Medicaid program.

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

STATEMENT TO

[First Reprint]

SENATE, No. 375

with Senate Floor Amendments
(Proposed by Senator BEACH)

ADOPTED: FEBRUARY 13, 2012

These amendments clarify the definition of “provider of clinical nursing services” to state that the provider or such services must be approved to provide private duty nursing under the Medicaid program or the NJ FamilyCare Program. The amendments make other technical changes to the bill to incorporate subsections and make grammatical changes.

ASSEMBLY, No. 1838

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Assemblywoman NANCY F. MUNOZ

District 21 (Morris, Somerset and Union)

SYNOPSIS

Establishes standards of practice for clinical nursing services providers for medically fragile students.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 1/31/2012)

1 AN ACT concerning medically fragile students and amending
2 P.L.1999, c.153.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
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11 professions and that therefore competence in specified areas of
12 health and education is needed in order for school nurses to act as
13 health advocates for school-age children.

14 b. The Legislature further finds and declares that medically
15 fragile students are often diagnosed with medical conditions and
16 life-threatening diseases, including cerebral palsy, seizure disorder,
17 and other neurological diseases, that require mechanical ventilation
18 and emergent intervention by providers of clinical nurse services
19 while attending school. Medically fragile students who require
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22 continuity of care for medically fragile students creates a safer
23 environment at school, fosters learning, and gives parents
24 confidence that their children's medical needs are being met by
25 qualified health care providers. Currently, there are no standards of
26 practice in place for providers of clinical nursing services. As a
27 result, the quality of care medically fragile students receive in
28 school is often inadequate to meet their health care needs.
29 Therefore, it is in the public interest that, in order to guarantee the
30 health and safety of medically fragile students while attending
31 school, providers of clinical nursing services for such students meet
32 the same qualifications as providers of clinical nursing specialist
33 services certified to participate in the State's Medicaid and NJ
34 FamilyCare programs, and that parents should be given the option
35 to choose the provider who will render clinical nursing services to
36 their children while attending school, if the cost remains neutral to
37 the school district.

38 (cf: P.L.1999, c.153, s.1)

39

40 2. Section 2 of P.L.1999, c.153 (C.18A:40-3.3) is amended to
41 read as follows:

42 2. A school district shall only utilize or employ for the
43 provision of nursing services in the public schools of the district
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Matter underlined thus is new matter.

1 Examiners, except for those non-nursing personnel who are
2 otherwise authorized by statute or regulation to perform specific
3 health related services. Special education students and those with
4 medical needs requiring specialized care shall have that care
5 rendered by an appropriate provider as appointed by the Board of
6 Education. No person shall be issued such certificate unless the
7 person is licensed as a registered nurse pursuant to the provisions of
8 P.L.1947, c.262 (C.45:11-23 et seq.) and meets all of the
9 requirements prescribed by the board for a nursing endorsement. A
10 school district may supplement the services provided by the
11 certified school nurse with non-certified nurses, provided that the
12 non-certified nurse is assigned to the same school building or
13 school complex as the certified school nurse.

14 A medically fragile student requiring clinical nursing services
15 shall have such care rendered by a provider of clinical nursing
16 services who meets the same standards and criteria established by
17 the Department of Human Services for providers of clinical nursing
18 specialist services certified to participate in the State Medicaid
19 program pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and the NJ
20 FamilyCare Program pursuant to P.L.2005, c.156 (C.30:4J-8 et
21 seq.). The parent or legal guardian of a medically fragile student
22 shall have the option to choose a provider to render clinical nursing
23 services to the student, and the Board of Education shall allow the
24 provider chosen by the parent or legal guardian to render such
25 services to the student only if the cost to the school district remains
26 neutral.

27 As used in this section, "medically fragile student" means a
28 school-aged child who suffers from a life-threatening medical
29 condition, and as a result of such condition, requires more
30 individualized and continuous care than is available from a school
31 nurse. "Clinical nursing services" means health-care related
32 services, based on a medically fragile student's individualized
33 education plan and a physician's orders, provided by a registered
34 nurse or licensed practical nurse with specialized pediatric training
35 who attends to the student.

36 (cf: P.L.1999, c.153, s.2)

37

38 3. This act shall take effect immediately.

39

40

41

STATEMENT

42

43 This bill amends current law to mandate that a medically fragile
44 student requiring clinical nursing services would have such care
45 rendered by a provider of clinical nursing services who meets the
46 same standards and criteria established by the Department of
47 Human Services for providers of clinical nursing specialist services

1 certified to participate in the State Medicaid and NJ FamilyCare
2 programs.

3 Currently, special education students and those with medical
4 needs requiring specialized care have that care rendered by an
5 appropriate provider appointed by the Board of Education.

6 The bill defines "medically fragile student" to mean a school-
7 aged child who suffers from a life-threatening medical condition
8 and as a result of such condition, requires more individualized and
9 continuous care than is available from a school nurse. "Clinical
10 nursing services" is defined to mean health-care related services,
11 based on a medically fragile student's individualized education plan
12 and a physician's orders, provided by a registered nurse or licensed
13 practical nurse with specialized pediatric training who attends to the
14 student.

15 The bill also requires that the parent or legal guardian of a
16 medically fragile student have the option to choose the provider to
17 render clinical nursing services to the student, and the Board of
18 Education shall allow the provider chosen by the parent or legal
19 guardian to render such services to the student only if the cost to the
20 school district remains neutral.

ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1838

STATE OF NEW JERSEY

DATED: JANUARY 30, 2012

The Assembly Health and Senior Services Committee reports favorably Assembly Bill No. 1838.

This bill amends P.L.1999, c.153 (C.18A:40-3.2 et seq.) to establish standards of practice for clinical nursing services providers for medically fragile students.

The bill stipulates that clinical nursing services provided in a public school to a medically fragile student who requires such care are to be rendered by a provider who meets the same standards and criteria established by the Department of Human Services for providers of clinical nursing specialist services who are certified to participate in Medicaid and NJ FamilyCare. The parent or legal guardian of a medically fragile student is to have the option to choose a provider to render clinical nursing services to the student, and the Board of Education for that school district is to allow that provider to render such services to the student only if the cost to the school district remains neutral. (Under the existing law, these services would be rendered by an appropriate provider appointed by the Board of Education.)

The bill defines:

-- "medically fragile student" to mean a school-aged child who suffers from a life-threatening medical condition, and as a result of such condition, requires more individualized and continuous care than is available from a school nurse; and

-- "clinical nursing services" to mean health care services, based on a medically fragile student's individualized education plan and a physician's orders, provided by a registered nurse or licensed practical nurse with specialized pediatric training who attends to the student.

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

STATEMENT TO
ASSEMBLY, No. 1838

with Assembly Floor Amendments
(Proposed by Assemblyman CONAWAY)

ADOPTED: FEBRUARY 16, 2012

These amendments:

- delete references to clinical nursing “specialist” services;
- provide that nothing in the bill is to be construed to exclude a licensed health care service firm that is approved to provide private duty nursing under the Medicaid Program and is in compliance with State Board of Education regulations from providing care to a medically fragile student;
- revises the definition of “clinical nursing services” to include an advanced practice nurse’s orders, as well as a physician’s orders;
- define “provider of clinical nursing services” to mean an agency that renders clinical nursing services and is approved to provide private duty nursing under Medicaid or the NJ FamilyCare Program; and
- make other changes of a technical nature.