

2017 -- H 5327 AS AMENDED

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LC001090
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO EDUCATION -- CONTINUITY-OF-CARE FOR MEDICALLY-FRAGILE
STUDENTS ACT

Introduced By: Representatives Amore, Keable, Azzinaro, and Lombardi

Date Introduced: February 01, 2017

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 16 of the General Laws entitled "EDUCATION" is hereby amended
2 by adding thereto the following chapter:

3 CHAPTER 24.2

4 CONTINUITY-OF-CARE FOR MEDICALLY-FRAGILE STUDENTS ACT

5 **16-24.2-1. Short title.**

6 This chapter shall be known and may be cited as the "Continuity-of-Care for Medically-
7 Fragile Students Act".

8 **16-24.2-2. Definitions.**

9 (a) For purposes of this section, the following terms shall have the meanings indicated:

10 (1) "Clinical nursing services" means specific nursing services, based on a medically-
11 fragile student's individualized education plan and a physician's medical orders, as provided by a
12 registered nurse or licensed practical nurse with specialized pediatric training who attends to the
13 student's health care needs.

14 (2) "Medically-fragile student" means a school-aged individual who suffers from a life-
15 threatening medical condition, and as a result of such condition, requires more individualized and
16 continuous one nurse to one student health care services than is available from a school nurse in
17 order to access public elementary or secondary education. Medically-fragile students are often
18 diagnosed with medical conditions and life-threatening diseases, including cerebral palsy, seizure

1 disorder, and other neurological diseases that require mechanical ventilation and emergent
2 intervention by providers of clinical nurse services while attending school. Medically-fragile
3 students who require clinical nursing services while attending school should expect and receive
4 the same level of health care services that they receive at home.

5 (3) "Provider" means an agency that renders clinical nursing services and is approved by
6 the department of health as a "home nursing care provider" which allows the agency to deliver
7 skilled nursing care services and personal care attendant services in the patient's home pursuant to
8 §23-17-4. Additionally, the home nursing provider must be accredited by a national home care
9 accrediting body.

10 **16-24.2-3. Continuity-of-care for medically-fragile students.**

11 (a) A school district shall only utilize or employ for the provision of nursing services in
12 the public schools of the district individuals holding a current school nurse teacher certificate
13 issued by the department of elementary and secondary education with a current professional
14 license as a registered nurse issued by the department of health, except for those non-school
15 personnel who are otherwise authorized by statute or regulation to perform specific health care-
16 related services. Special education students and those with medical needs requiring specialized
17 care, apart from the direct employ of the school district, shall have that care rendered by an
18 appropriate provider as appointed by the department of elementary and secondary education from
19 providers licensed by the department of health under §23-17-4.

20 (b) The parent(s) or legal guardian(s) of a medically-fragile student shall have the option
21 to choose a provider to render clinical nursing services to the student, and the public school
22 district shall allow the provider chosen by the parent(s) or legal guardian(s) to render such
23 services to the student only if the cost to the school district remains neutral. The parent(s) or legal
24 guardian(s) of a medically-fragile student shall be provided access to clinical nursing services at
25 home by the child's home nursing care provider when their child's absence from school is related
26 to their life-threatening medical condition or is otherwise a health-related absence.

27 SECTION 2. This act shall take effect on August 14, 2017.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO EDUCATION -- CONTINUITY-OF-CARE FOR MEDICALLY-FRAGILE
STUDENTS ACT

1 This act would establish standards of practice for providers of clinical nursing services
2 for medically-fragile students. This act would also allow medically-fragile students to access
3 clinical nursing services at home when the child's absence from school is related to their life-
4 threatening medical condition or is otherwise a health-related absence.

5 This act would take effect on August 14, 2017.

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