



Dear Senator Roegner and Senate Government Oversight and Reform Committee:

Kent State University respectfully joins our colleagues in the Ohio State University College of Nursing in requesting reconsideration regarding the Senate amendment and passage of HB 442 on December 22, 2020 (Effective April 12, 2021) and the consequences related to HB 6's amendment to the O.R.C 3319.221. We strongly agree with the impact this legislation will have on the regulation of nursing. We additionally, bring forth for your consideration, the impact this legislation will have on teachers across the state.

The legislation carries consequences that will impact the health and safety of Ohio's children and put additional burdens on teachers at a time when our teachers require the resources necessary to return to the classroom with full support to help our children make academic strides amid the pandemic.

As written, the legislation weakens the provision of education to our most vulnerable students in Ohio by deregulating nursing practice in a manner that eliminates the value nurses bring to Ohio schools. This leaves teachers in the classroom unassisted in meeting the health needs of students and students and their families left to struggle harder to meet basic educational needs that may be impacted by the existence of chronic and acute on chronic health needs.

In order to preserve the team approach to providing education for our children, we respectfully join in the following concerns regarding this legislation and ask you not only to consider the impact this has on the practice of nursing but the impact this legislation will have on teachers in our classrooms at a time when education is fragile as a result of the pandemic.

Kent State University joins in requesting the following amendments to House Bill 6:

1. **Reinstate Ohio Rev. Code § 3319.221 School nurse and school nurse wellness coordinator** as enacted prior to passage of HB 442:

ORC § 3319.221:(A) The state board of education shall adopt rules establishing the standards and requirements for obtaining a school nurse license and a school nurse wellness coordinator license. At a minimum, the rules shall require that an applicant for a school nurse license be licensed as a registered nurse under Chapter 4723. of the Revised Code. (B) If the state board requires any examinations for licensure under this section, the department of education shall provide the examination results received by the department to the chancellor of the Ohio board of regents, in the manner and to the extent permitted by state and federal law. (C) Any rules for licenses described in this section that the state board adopts, amends, or rescinds under this section, division (D) of section 3301.07 of the Revised Code, or any other law shall be adopted, amended, or rescinded under Chapter 119. of the Revised Code, except that the authority to adopt, amend, or rescind emergency rules under division (G) of section 119.03 of the Revised Code shall not apply to the state board with respect to rules for licenses described in this section. (D) Any registered nurse employed by a school district in the capacity of school nurse on January 1, 1973, or any registered nurse employed by a city or general health district on January 1, 1973, to serve full-time in the capacity of school nurse in one

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or more school districts, shall be considered to have fulfilled the requirements for the issuance of a school nurse license under this section.

Repealed by 133rd General Assembly File No. TBD, HB 442, §3, eff. 4/12/2021.

Amended by 130th General Assembly File No. TBD, SB 3, §1, eff. 9/17/2014.

Amended by 128th General Assembly File No.9, HB 1, §101.01, eff. 7/17/2009.

Effective Date: 10-29-1996.

2. **Remove the inclusion of ODE registration for RNs as School Nurses in § 3319.221 [Effective 4/12/2021]. Professionals requiring department of education registration (A)(3) ... ~~(3) A registered nurse who holds a bachelor's degree in nursing and a currently valid license issued under Chapter 4723. of the Revised Code.~~**

Under the current ORC 3313.68, school districts are authorized to employ the services of non-ODE licensed nurses to provide individual services for eligible students, as well as contract for RNs and LPNs to provide health services through public health departments, hospitals, ESCs, and other health care entities.

3. **Reinstate the following provisions in the current 3313.68 [Effective Until 4/12/2021].** Employment of physicians, dentists and nurses - delegation of duties and powers to board of health:

.... The board of education may also employ registered nurses, as defined by section [4723.01](#) and licensed as school nurses under section [3319.221](#) of the **Revised Code**, to aid in such inspection in such ways as are prescribed by it, and to aid in the conduct and coordination of the school health service program.

Notwithstanding any provision of the Revised Code to the contrary, the board of education of each city, exempted village, or local school district may contract with an educational service center **for the services of a school nurse, licensed under section [3319.221](#) of the Revised Code**, or of a registered nurse or licensed practical nurse, licensed under Chapter 4723. of the Revised Code, to provide services to students in the district pursuant to section [3313.7112](#) of the Revised Code.

In lieu of appointing or employing a school physician or dentist pursuant to division (A) of this section or entering into a contract for the services of a school nurse pursuant to division (B) of this section, the board of education of each city, exempted village, or local school district may enter into a contract under section 3313.721 of the Revised Code for the purpose of providing health care services to students.

4. **Allow only RNs earning an ODE pupil services license to use the protected title of School Nurse.**
5. **Recognize only ODE licensed School Nurses as eligible for classification as certified/credentialed staff** (standard prior to passage of HB 442)

Justification for the requests associated with HB 442 (effective April 12, 2021) and HB 6 based on the following concerns:

The practice of School Nursing requires specialty preparation beyond the pre-licensure program of study. Baccalaureate nursing programs prepare students for a generalist, not a specialty, role as noted below:

- School Nursing is a specialized practice with its own scope and standards of practice (ANA & NASN, 2017) requiring specific educational preparation that extends beyond a baccalaureate degree to practice independently in a non-traditional health care setting.
- The Ohio Board of Regents and the Ohio Department of Education approved the 2010 [Ohio Educator Licensure Standards for School Nurse Professional Pupil Services Licensure](#) designed to guide approved programs to prepare RNs with a baccalaureate degree for the specialty practice of school nursing in Ohio schools. However, with the elimination of this preparation, as cited in HB 442, nurses working in the schools will not be able to meet the expected standards (i.e., the minimal level of expected performance) to safeguard Ohio children.
- Basic preparation for an RN is regulated by the State Boards of Nursing and in Ohio this is identified under Ohio Rev. Code 4723-5. The standards are based on pre-licensure programs with curricula established in baccalaureate degree, associate degree or diploma programs. The Ohio Board of Nursing does not require a baccalaureate in nursing nor is there a requirement to include curricula specific to School Nurse practice in pre-licensure preparation.
- Nurses licensed in the State of Ohio may have attended programs that were baccalaureate degree, associate degree, or diploma programs. The baccalaureate completion programs were designed to prepare nurses at a generalist level as an extension of education needed from associate or diploma to baccalaureate. Those pre-licensure standards are based on a generalist preparation and do not address School Nurse practice or competency. The competencies are relied on by teachers within our schools to manage children's educational needs in a manner that accommodates for these health needs. Teachers are not prepared to manage the physiologic, mental health and social considerations of chronic diseases and rely upon consultation with specially prepared nurses to attend to the individual needs of each pupil.
- Educational preparation for nursing varies greatly across the nation for baccalaureate degree, associate degree and diploma programs and those nursing programs may or may not be accredited by the three accrediting bodies in the United States - Commission on Collegiate Nursing Education (CCNE), Commission for Nursing Education Accreditation (CNEA), or Accreditation Commission for Education in Nursing (ACEN). This creates a vast difference in educational preparation and lack of standardization if the program in which the student attended for baccalaureate preparation was not accredited.

Problems with using a baseline of an undergraduate RN education for School Nurses.

Undergraduate education does not prepare students with the knowledge, skills and dispositions to provide comprehensive school health care. In schools that are fortunate enough to have a school nurse, reduced licensure requirements widen the gap to address student health needs by reducing the preparation required for School Nurses. This results in lack of support to teachers in all systems. Basic teacher education does not prepare pre-service teachers to manage chronic conditions in the school environment. By eliminating the certification requirements for school nurses, a void is left that will provide for unintended consequences that negatively impacts the ability to provide for the health of all students and the quality of their education as teacher time will be required to struggle with the health issues of children in addition to providing their primary role as educators.

In considering what educators would be asked to manage in the classroom, it is important to note that the current environment requires planning and response to many health conditions. These conditions may include seizure disorders, mental health issues, diabetic management among active and growing school age and adolescent students. Additionally, mainstreaming has resulted in the need for the management of feeding tubes, adaptive devices and dependence in managing activities of daily living including feeding and elimination.

The competencies that teachers rely on that are not offered in pre-licensure nursing programs include:

- A comprehensive foundation of the knowledge, skills and dispositions to work in an educational setting without the structure that nurses in acute care settings have to support their practice.
- Specifics about the challenges encompassing the interplay of child health, development and learning, health management within school systems, educational law related to health services, collaboration related to student evaluation and intervention services, leadership, and required health education are not topics or experiences covered in accredited generalist nursing programs in Ohio, because these are specialty practice areas appropriate for post-baccalaureate RNs.
- The laws and practices specific to working in the school setting.
- The opportunity to collaborate and work on the interprofessional school support teams.
- Experiences to be “leaders who bridge health care and education, provide care coordination, advocate for quality student-centered care, and collaborate to design systems that allow individuals and communities to develop their full potential” ([NASN Board of Directors, 2017](#)).
- A supervised field experience in the school setting that requires meeting the standards outlined in the ANA & NASN (2017) School Nursing: Scope and Standards of Practice and the Ohio Educator Licensure [Standards for School Nurse Professional Pupil Services Licensure](#) (2010).

Inadequate requirements for role function: The requirements for eligibility to apply for an ODE registration as a School Nurse are inadequate for the expectations of performance of School Nursing according to state and national standards. The following are examples to illustrate this point:

- Passing the NCLEX exam to earn an OBN RN license demonstrates minimum preparation as a generalist RN to practice. **It does not measure a nurse’s competence in the school setting in practice. The school setting provides additional assessment and intervention planning skills that are unique to K-12 students. Examples of this are included in the completion of Individual Education Plans (IEPs) and Individual Health Plans (IHP’s). Elimination of school nurse preparation for these matters leaves teachers without knowledgeable consultants to manage the unique features of students with additional and/or special needs in the classroom.**
- Due to COVID-19 exceptions, there are currently RNs, with a bachelor’s degree practicing in Ohio who have not passed the NCLEX and have a temporary license. These RNs are eligible for the ODE registration as a School Nurse as of 4/12/21. In other words, these individuals may not even meet the minimum standards for a beginning RN to enter into practice until they successfully pass the NCLEX.

- There is no requirement for nursing experience prior to completing the registration process for ODE registration as a School Nurse which is contrary to Ohio Educator Standards for professional school practice.
- RNs with the ODE registration as a School Nurse will lack the essential skills and content knowledge needed to ensure the health and safety of students and the school community. In addition, there has been no opportunity to determine if they possess the appropriate dispositions to advance health care for the vulnerable and often underserved population of children in grades K-12 throughout the state.

Legal and Liability Concerns: the ODE registration as a School Nurse for RNs to provide school health services is not consistent with existing Ohio Laws according to the following explanations:

- Ohio Rev. Code § 4723-4-06 Standards of nursing practice promoting patient safety state: “(O) When nursing practice, as set forth in section [4723.01](#) of the Revised Code, is supervised or evaluated:(1) Only a registered nurse shall supervise or evaluate the practice of nursing, as set forth in Chapter 4723 of the Revised Code and the rules of the board, performed by other registered nurses and licensed practical nurses”. This means that there is a significant risk of having nurses in the school setting not only unprepared for the practice of nursing but also having a system in place where school administrators are assigned to evaluate the practice performance of nurses who have not been prepared to practice according to the standards of school nursing practice. The potential for school district liability is high when both parties are performing outside their scope of practice. A RN who has completed an approved program of preparation for the ODE School Nurse License has been prepared with skills to address and advocate for appropriate and affordable supervision that is in compliance with 4723-4-06 reducing the risk for local education agency (LEA) liability.
- Many nurses in Ohio schools are hired and supervised by non-nurses. This does not allow for the critical analysis of nursing experience prior to hiring or supervision of nursing practice after hiring for the nurses with an ODE registration as a School Nurse.
- According to [Ohio Rev. Code § 4723-4-06 Standards of nursing practice promoting patient safety](#), “(A) At all times when a licensed nurse is providing direct nursing care to a patient the licensed nurse shall display the applicable title or initials set forth in division (E) of section [4723.03](#) of the Revised Code to identify the nurse's relevant licensure as a registered nurse or as a licensed practical nurse.” Using a process of “registration” in order to provide health services in the schools as set forth in HB 442 will create confusion for the public in terms of the credentials of the RN providing school health services. In addition to being redundant (the “registered” Registered Nurse), the public will not be informed of the major differences in what they have come to expect for many years in terms of Ohio School Nurse preparation and competence for practice.
- Many districts employ just one nurse for the entire school district, regardless of enrollment numbers. Districts employing an RN who is “registered” with ODE, will have no requirement or expectation for formal training in school health services delivery prior to the position and no licensed school nurse to mentor them to the role and expectations for the position. This is a liability for the RN and school district and creates a safety concern in the care of students.

Expected Outcome Considerations: Expected and documented outcomes of the presence of appropriately prepared School Nurses demand that Ohio continue to be a leader in advancing student health and learning outcomes. Ohio and national data from the [National School Health Data Set: Every Student Counts](#) demonstrate student health and academic outcomes improve with a Professional (licensed) School Nurse. Students have improved attendance rates and increased seat time in the classroom when an ODE licensed School Nurse is providing services in the school,

when compared to RNs without the ODE license, Licensed Practical Nurses (LPN), and Unlicensed Assistive Personnel (UAP), such as secretaries or health aids.

RN's who can "buy" an ODE registration as a School Nurse will have a gap in the education needed to fulfill the role of the School Nurse. They will also lack the professional oversight by university faculty which ensures their competence in practice and meeting the Ohio Educator and the School Nurse standards.

Summary:

In closing, the new ODE registration as a School Nurse choice is an attempt to deregulate school nursing practice in Ohio and promotes the devaluing of school nursing expertise and unduly burdens teachers and other school personnel to provide services that they are not prepared to offer. This leaves the health and safety of **all** children in Ohio schools in jeopardy. Professional standards serve a purpose, as do licensure and certification. We are asking you to reconsider and protect the health and safety of Ohio's students and promote the professional standards that the licensed School Nurse represents. School Nurses must have an ODE Pupil Services license to be recognized for having the knowledge, skills and dispositions considered essential for the highly qualified School Nurse and the right choice to oversee the overall health and well-being among children in Ohio schools. The licensed School Nurse (an RN **with a baccalaureate degree who has completed an approved program of study in school nursing**) is a pivotal and quintessential team member in the provision of education to the children of Ohio. **The School nurse, provides the support to the educational team to decrease further disparities in health and education amongst vulnerable children and to increase health and educational outcomes for all of Ohio's children.**

Respectfully,

A handwritten signature in cursive script that reads "Denice Sheehan". The signature is written in black ink and is positioned above the typed name and title.

Denice Sheehan, PhD, RN, FPCN
Interim Dean and Professor