

Understanding Emergency Nursing Services in Wisconsin



**A BRIEF OVERVIEW OF THE LAWS AND
RECOMMENDATIONS GUIDING MEDICAL
CARE IN SCHOOLS**

Federal law: What is the school responsible for?



- IDEA, 504, FAPE
 - In general all school-age children who are individuals with disabilities as defined by Section 504 and IDEA are entitled to FAPE (free appropriate public education)

IDEA: Congress reauthorized the IDEA in 2004 and most recently amended the IDEA through Public Law 114-95, the Every Student Succeeds Act, in December 2015

- In the law, Congress states: Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities

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504: The Rehabilitation Act of 1973, Section 504, addresses protections for students with disabilities. Section 504 is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive Federal financial assistance

- Section 504 states: “No otherwise qualified individual with a disability in the United States... shall solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance...”

Federal law: What is the school responsible for?



FAPE: An appropriate education may comprise education in regular classes, education in regular classes with the use of related aids and services, or special education and related services in separate classrooms for all or portions of the school day. Special education may include specially designed instruction in classrooms, at home, or in private or public institutions, and may be accompanied by related services such as speech therapy, occupational and physical therapy, psychological counseling, and medical diagnostic services necessary to the child's education.

- An appropriate education will include: education services designed to meet the individual education needs of students with disabilities as adequately as the needs of nondisabled students are met; the education of each student with a disability with nondisabled students, to the maximum extent appropriate to the needs of the student with a disability; evaluation and placement procedures established to guard against misclassification or inappropriate placement of students, and a periodic reevaluation of students who have been provided special education or related services; and establishment of due process procedures that enable parents and guardians to:
 - ✦ receive required notices;
 - ✦ review their child's records; and
 - ✦ challenge identification, evaluation and placement decisions.
- Due process procedures must also provide for an impartial hearing with the opportunity for participation by parents and representation by counsel, and a review procedure.

Federal law: What is the school responsible for?



- School districts, and thereby, school nurses have significant responsibility for the chronic and/or acute health needs of children as a result of these laws, but this could be a whole conversation in itself!

State law: What is the school responsible for?



- **121.02 School district standards**
 - (1) Except as provided in s. 118.40 (2r) (d), each school board shall:
 - ✦ ...(f) Provide for emergency nursing services

State Law: What is the school responsible for? (cont.)



- PI 8.01 School district standards- further clarifies
 - (2) (g) *Emergency nursing services*. Each school board shall provide emergency nursing services under a written policy adopted and implemented by the school district board which meets all of the following requirements.
 - ✦ 1. Emergency nursing policies shall be developed by a professional nurse or nurses registered in Wisconsin in cooperation with other school district personnel and representatives from community health agencies and services as may be designated by the board.

State Law: What is the school responsible for? (cont.)



- ✦ 2. Policies for emergency nursing services shall include protocols for dealing with pupil accidental injury, illness and administration of medication at all school sponsored activities including but not limited to curricular, co-curricular and extra-curricular activities and a method to record each incident of service provided.
- ✦ 3. Arrangements shall be made with a licensed physician to serve as medical advisor for the emergency nursing service.

State Law: What is the school responsible for? (cont.)



- ✦ 4. The emergency nursing services shall be available during the regular school day and during all school sponsored activities of pupils
- ✦ 5. Pupil emergency information cards, equipment, supplies and space for the emergency nursing services shall be appropriate and readily accessible.
- ✦ 6. A review and evaluation by the school board shall be made of the emergency nursing services program at least annually.



- Wow, the school district are responsible for a lot!
- Takeaways: schools must develop policies with a Registered Nurse, let's look at the laws binding those nurses

State law: What is the school nurse responsible for?



- [Chapter 441: Wisconsin Nurse Practice Act](#)
- [Chapter N 6: Standard of Practice for Registered Nurses and Licensed Practical Nurses](#)
- [Chapter N 7: Rules of conduct](#)
- [Wisconsin statute 118.29: administration of drugs and emergency care](#)

Basic patient situation vs. Complex patient situation

(N 6.02 Definitions)



- **Basic nursing care/basic patient situation**
 - “Basic nursing care” means care that can be performed following a defined nursing procedure with minimal modification in which the responses of the patient to the nursing care are predictable.

Basic patient situation vs. Complex patient situation

(N 6.02 Definitions)



- “Basic patient situation” as **determined by an R.N., physician, podiatrist, dentist or optometrist** means the following 3 conditions prevail at the same time in a given situation:
 - ✦ The patient’s clinical condition is predictable
 - ✦ Medical or nursing orders are not changing frequently and do not contain complex modifications
 - ✦ The patient’s clinical condition requires only basic nursing care

Basic patient situation vs. Complex patient situation

(N 6.02 Definitions)



- **Complex patient situation**

- “Complex patient situation” as **determined by an R.N., physician, podiatrist, dentist or optometrist** means any one or more of the following 3 conditions prevail at the same time in a given situation:
 - ✦ The patient’s clinical condition is not predictable
 - ✦ Medical or nursing orders are likely to involve frequent changes or complex modifications; or,
 - ✦ The patient’s clinical condition indicates care that is likely to require modification of nursing procedures in which the responses of the patient to the nursing care are not predictable.

Delegation



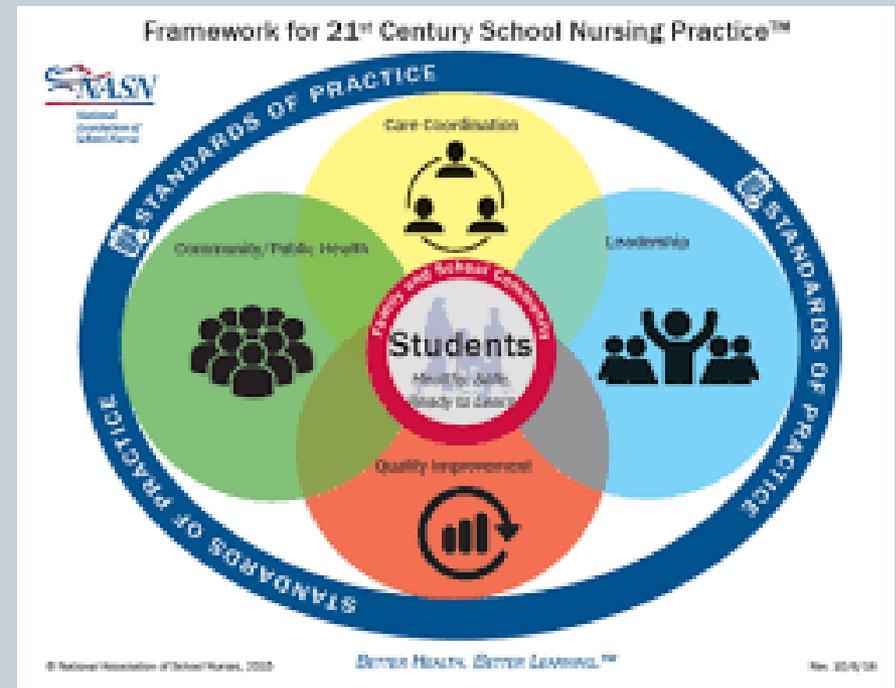
“Any decision to delegate a nursing responsibility must be based on the needs of the patient or population, the stability and predictability of the patient’s condition, the documented training and competence of the delegate, and the ability of the licensed nurse to supervise the delegated responsibility and its outcome, with special considerations to the available staff mix and patient acuity” (National Council of State Boards of Nursing 2016)

National Association of School Nurses/American Nurses Association: What is a school nurse responsible for?



- School Nursing Scope and Standards of Practice: 3rd Edition
 - Tenets of School Nursing Practice

- ✦ Holistic
- ✦ Individualized
- ✦ Coordination of Care
- ✦ Links to Optimal Outcomes



Responsibility of a Nurse Manager



- “Nurses have a legal obligation to provide patients with care that adheres to acceptable professional standards. Even in situations involving understaffing, failure to perform these duties can incur liability. Courts won’t insulate health care facilities from liability based on a defense of an inadequate number of nurses. On the contrary, these factors may impose greater liability on the facility and its employees.”

WI DPI guidance: What is a Registered nurse responsible for?



- Three great resources from WI-DPI
 - Delegation, the Nurse Practice Act, and School Nursing in Wisconsin
<https://dpi.wi.gov/sites/default/files/imce/sspw/pdf/snpracticeact.pdf>
 - Administration of Drugs to Pupils
<https://dpi.wi.gov/sites/default/files/imce/sspw/pdf/sndrugscomplete.pdf>
 - Emergency Nursing Services in Wisconsin Schools
<https://dpi.wi.gov/sites/default/files/imce/sspw/pdf/snemergency.pdf>

Snapshot of a School District



- Past, present and future state of health services.
- Acuity tools being developed, but need RN discretion to determine patient acuity and level of stability. (caseload vs. workload)
 - AAP recommendations
 - ✦ Role of the School Nurse in Providing School Health Services May 23, 2016
 - NASN recommendations
 - ✦ School Nurse Workload: Staffing for Safe Care
 - Preventative care, better disease management (asthma, g-tube site care, diabetes) is the care model the nation is slowly moving toward.
- There is no “school report card” specific to health services, but we must keep civil liability in mind. Nursing License does protect the school district from some liability.



- One of the only places where RN role is likely to not be understood well, might be questioned, and value may not be seen (what do you do here, why do we need you). Other work environments understand role, value, necessity, and legality guiding RN responsibilities.