

Chapter 3: Non-Nurse School Personnel Delegated Health Duties

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The non-nurse MAY NOT... (*Read carefully*)

Sample Job Description

Supervision plan if a school nurse is not available

An Unlicensed Person Is **NOT** A Licensed Professional Nurse!

It is unlawful in the state of Nebraska to identify oneself, or permit others to identify one as a nurse unless the person is licensed and credentialed as a licensed nurse, Registered Nurse (RN), or Licensed Practical Nurse (LPN).

§38-2228. Nursing; use of title; restriction.

(<https://nebraskalegislature.gov/laws/statutes.php?statute=38-2228>)

(1) In the interest of public safety and consumer awareness, it is unlawful for any person to use the title nurse in reference to himself or herself in any capacity, except individuals who are or have been licensed as a registered nurse or a licensed practical nurse. A Christian Science nurse may refer to himself or herself only as a Christian Science nurse.

(2) The terms "nurse", "registered nurse", and "licensed practical nurse" include persons licensed as registered nurses or licensed practical nurses by a state that is a party to the Nurse Licensure Compact. Unless the context otherwise indicates or unless doing so would be inconsistent with the compact, nurses practicing in this state under a license issued by a state that is a party to the compact have the same rights and obligations as imposed by the laws of this state on licensees licensed under the Nurse Practice Act. The department has the authority to determine whether a right or obligation imposed on licensees applies to nurses practicing in this state under a license issued by a state that is a party to the compact, unless that determination is inconsistent with the compact.

Source: Laws 1995, LB 563, § 6; Laws 1996, LB 1155, § 25; Laws 2000, LB 523, § 7; R.S.1943, (2003), § 71-1,132.17; Laws 2007, LB463, § 784.

Cross References: Nurse Licensure Compact, see section [§71-1795](#).

A Nurse is a Nurse is a Nurse? NOT ALWAYS!

Sometimes a person who is not a Registered Nurse or a Licensed Practical Nurse is incorrectly called “nurse”.

Nebraska law (Neb. Rev. Stat. 38-2228 - <https://nebraskalegislature.gov/laws/statutes.php?statute=38-2228>) makes it **unlawful** for any person to use the title “nurse” in reference to himself or herself except individuals who are licensed as a registered nurse or a licensed practical nurse.

If you are receiving care from a “nurse”, you have a right to know the qualifications of that individual.

If your “nurse’s” nametag or introduction does not make his/her status clear, do not hesitate to ask if he/she is a licensed nurse.

For more information, call the Nebraska Board of Nursing (402) 471-0317.

Competency determination for medication administration

School personnel who have the responsibility to provide medications to students may only do so if first deemed competent in medication administration (fourteen competency areas) by a licensed health care professional within whose scope of practice includes medication administration. Nebraska Department of Education Rule 59 - <https://www.education.ne.gov/LEGAL/webrulespdf/RULE592006.pdf> and DHHS 172 NAC 95 - http://www.sos.ne.gov/rules-and-regs/regsearch/Rules/Health_and_Human_Services_System/Title-172/Chapter-095.pdf

Documentation of competency determination for school personnel who assist students with medications must be documented at least every three years, with documentation retained on site at the school.

Emergency Response Protocol team

Schools are required by Title 92 NAC Chapter 59 to be prepared to implement the emergency protocol for life-threatening breathing emergencies, specifically to have EpiPens® and albuterol ready for administration. Each school building must have persons available on the premises to implement this emergency protocol. Additional information is available from the DHHS School Health Program (<http://dhhs.ne.gov/publichealth/Pages/schoolhealth.aspx>) or from AIRE Nebraska at <http://www.airenebraska.org/schools.html>

First aid and CPR recommended

The provision of first aid and emergency response services by school personnel should meet an objective standard of care that is readily found in standard first aid and CPR classes offered by Red Cross, the American Heart Association and the National Safety Council. Preparing the unlicensed personnel who will be providing first aid and emergency response functions with current, standard, first aid certification is one way the school demonstrates a reasonable and consistent preparation to respond to student safety needs.

NON-NURSE PERSONNEL MAY NOT:

- Write an Individualized Healthcare Plan, as writing the plan of care is a function reserved for the regulated scope of practice of the registered nurse
- Make the decision about whether a nurse is needed for a specific medical plan of care, as the delegation decision is also reserved for the regulated scope of practice of the registered nurse
- Provide medications to students without first being deemed competent to do so by a licensed health care professional within whose regulated scope of practice falls “medication administration”
- Perform assessments
- Provide medications by other routes without first being determined competent
- Identify themselves as “nurse” or permit others to do so

SAMPLE JOB DESCRIPTION

Anywhere, Nebraska Public Schools Sample Health Assistant Job Description

General Description: The primary function of the health assistant is to provide first aid and minor illness care to students, staff and patrons during school hours.

Qualifications: High school diploma or equivalent or higher. Current certification in first aid and CPR. Successfully passes competency determination for the purposes of providing medications to students at school. Excellent written and oral communication skills.

Experience: Previous experience in medical or care giving settings is highly desirable. Previous experience positions requiring accuracy and accountability in documentation recommended.

Essential Functions of the Health Assistant:

1. 1. Provides standard first aid in response to need.
2. 2. Provides medications to students according to school policy and procedure and in compliance with the Nebraska Medication Aide Act.
3. 3. Assists the school nurse with documenting immunizations and reviewing compliance as a delegated activity.
4. 4. Assists the school nurse with health screening activities as a delegated activity.
5. 5. Maintains documentation of school health office visits, emergency calls, medication administration as directed by the school nurse.
6. 6. In the health office, observe for signs of illness, gather pertinent history, determine if child meets criteria for exclusion, consult with school nurse and communicate with parent/guardian as directed by the school nurse.
7. 7. Prioritize needs of students presenting at the health office.
8. 8. Maintain and protect privacy and confidentiality in accordance with school policy, federal law (FERPA & HIPAA [<http://www.astho.org/programs/preparedness/public-health-emergency-law/public-health-and-schools-toolkit/comparison-of-ferpa-and-hipaa-privacy-rule/>]), and best practices, following the direction of the school nurse.
9. 9. Carry out aspects of care for students with special health care needs as directed and delegated by the school nurse.
10. 10. Maintain the health office environment, supplies, equipment, and individual student medication products in a clean, orderly, and secure fashion.
11. 11. In absence of school nurse, reports critical events and injuries to school administrator.
12. 12. Demonstrate awareness and respect for cultural, developmental, and family diversity.
13. 13. Communicate effectively with school personnel and parents/guardians on matters of illness, accidents, exclusions, and related policies of the school district.
14. 14. Promote and demonstrate effective infection control practices at all times.

Unlicensed Assistive Personnel Scope of Practice

(172 NAC 99 Provision of Nursing Care - <http://docplayer.net/10207561-Effective-nebraska-health-and-human-services-12-13-06-regulation-and-licensure-172-nac-101-table-of-contents-administrative-penalty-010-43.html>)

99-003.01C Contributes to the assessment of the health status of individuals including interactions of individuals with family members or group members by:

1) Collecting basic subjective and objective data from observations and interviews. The data to be collected is identified by the RN and/or LPN.

2) Reporting and recording the collected data.

99-003.02C Identifies basic signs and symptoms of deviations from normal health status and provides basic information which licensed nurses use in identification of problems and needs.

99-003.03C Contributes to the development of the plan of care for individuals by reporting basic data.

99-003.04C Participates in the giving of direct care by:

1) Assisting with ADLs, personal cares, and encouraging self-care;

2) Providing comfort measures and emotional support to client/patients whose condition is stable and/or predictable;

3) Assisting with basic maintenance and restorative nursing;

4) Providing a safe and healthy environment;

5) Documenting and communicating completion of assigned/delegated activities and client/patient responses; and

6) Seeking guidance and direction when appropriate

99-003.05C Contributes to the evaluation.

1) Document and communicate client/patient responses.2)

Assist with collection of data.

Promote and demonstrate effective infection control practices at all times.

SUPERVISION PLAN IF SCHOOL NURSE IS NOT AVAILABLE

Non-nursing school personnel delegated responsibilities in the health office usually are supervised by the school principal or other building administrator. The functions of the health office are unique, and are deserving of evaluation and quality improvement approaches, in addition to supervision and oversight of the individual who has been delegated to provide nursing interventions.

Here are a few suggestions for educational administrators in providing oversight for personnel performing health office activities:

- Assure medication administration competency document is current (within the last three years – (NDE Rule 59 <https://www.education.ne.gov/nderule/regulations-for-school-health-and-safety/>) and on file at the school.
- Consider a regular schedule to check documented inventory against real count of medication products.
- Review medication records for missed or late doses
- Review a sample of health office records for documentation: name of student, date of visit, time in, time out, disposition (where the student went when leaving health office), stated complaint on student's arrival, actions by school staff, including calls to parents, accident record, etc.
- Check a sample of health office records for documentation of actions consistent with standard first aid practice.

RESOURCES

DHHS School Health Program: www.dhhs.ne.gov/schoolhealth
402-471-1373

First Aid and CPR Training:

American Red Cross: <https://cpraedcourse.com/>

American Heart Association:

http://www.heart.org/HEARTORG/CPRAandECC/CPR_UCM_001118_SubHomePage.jsp

National Safety Council:

http://www.nsc.org/products_training/Training/firstaidandCPR/Pages/FirstAidCPR.aspx

Health Office Resource for First Aid:

- Emergency Guidelines for Schools, 2016 Edition - <http://dhhs.ne.gov/publichealth/MCAH/Documents/NEEmergencyGuidelines4Schools-2016.pdf>