

Assembly Bill No. 342

CHAPTER 12

An act to amend Section 49423.5 of the Education Code, relating to pupil health.

[Approved by Governor June 7, 2007. Filed with Secretary
of State June 7, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

AB 342, Saldana. Pupil health: individuals with exceptional needs.

Existing law provides that any individual with exceptional needs who requires specialized physical health care services, during the regular schoolday, may be assisted by certain qualified persons.

This bill would also authorize a qualified person holding a certificate of public health in nursing to assist those individuals.

The people of the State of California do enact as follows:

SECTION 1. Section 49423.5 of the Education Code is amended to read:
49423.5. (a) Notwithstanding Section 49422, an individual with exceptional needs who requires specialized physical health care services, during the regular schoolday, may be assisted by any of the following individuals:

(1) Qualified persons who possess an appropriate credential issued pursuant to Section 44267 or 44267.5, or hold a valid certificate of public health nursing issued by the Board of Registered Nursing.

(2) Qualified designated school personnel trained in the administration of specialized physical health care if they perform those services under the supervision, as defined by Section 3051.12 of Title 5 of the California Code of Regulations, of a credentialed school nurse, public health nurse, or licensed physician and surgeon and the services are determined by the credentialed school nurse or licensed physician and surgeon, in consultation with the physician treating the pupil, to include all of the following:

(A) Routine for the pupil.

(B) Pose little potential harm for the pupil.

(C) Performed with predictable outcomes, as defined in the individualized education program of the pupil.

(D) Does not require a nursing assessment, interpretation, or decisionmaking by the designated school personnel.

(b) Specialized health care or other services that require medically related training shall be provided pursuant to the procedures prescribed by Section 49423.

(c) Persons providing specialized physical health care services shall also demonstrate competence in basic cardiopulmonary resuscitation and shall be knowledgeable of the emergency medical resources available in the community in which the services are performed.

(d) “Specialized physical health care services,” as used in this section, include catheterization, gastric tube feeding, suctioning, or other services that require medically related training.

(e) Regulations necessary to implement this section shall be developed jointly by the State Department of Education and the State Department of Health Care Services, and adopted by the State Board.

(f) This section does not diminish or weaken any federal requirement for serving individuals with exceptional needs under the Individuals with Disabilities Education Improvement Act (20 U.S.C. Sec. 1400 et seq.), and its implementing regulations, and under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) and its implementing regulations.

(g) Nothing in this section affects current state law or regulation regarding medication administration.

(h) It is the intent of the Legislature that nothing in this section shall cause the placement of individuals with exceptional needs at schoolsites other than those they would attend but for their needs for specialized physical health care services.