

AMENDED IN SENATE APRIL 21, 2014

AMENDED IN SENATE APRIL 1, 2014

**SENATE BILL**

**No. 1239**

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**Introduced by Senator Wolk**

February 20, 2014

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An act to add ~~Section~~ *Sections 49404 and 49428* to the Education Code, to add ~~Section 1371.34~~ to the Health and Safety Code, and to add ~~Section 10133.68~~ to the Insurance Code, relating to pupil health care services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1239, as amended, Wolk. Pupil health care services: school nurses.

(1) Existing law requires the governing board of a school district to give diligent care to the health and physical development of pupils, and authorizes the governing board of a school district to employ properly certified persons for the work. Existing law authorizes a school nurse, subject to approval by the governing board of the school district, to perform various pupil health services, including, among others, evaluating the health and developmental status of pupils, and designing and implementing health maintenance plans to meet the individual health needs of pupils.

This bill, on and after July 1, 2016, would require the governing board of a school district that is eligible for concentration funding pursuant to the provisions of the local control funding formula to employ at least one school nurse as a supervisor of health, and would require a supervisor of health to supervise other school nurses, registered nurses, or other licensed vocational nurses employed by a school district and, if applicable, a nurse of a county office of education under contract, as provided. The bill would require the governing board of a school district

to consider specified factors in determining the number of nurses to be supervised by the supervisor of health, including, among others, the acuity of pupil health care needs. *The bill would authorize the governing board of a school district to bill a pupil's health insurer, or the Medi-Cal program pursuant to a specified provision, or both, for the cost of health care services provided to the pupil.* Because the bill would require school districts to perform new duties, the bill would impose a state-mandated local program.

~~(2) Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. Existing law provides for the reimbursement of claims and the resolution of claim and coverage disputes, as specified. Existing law requires a health care service plan to reimburse providers for emergency services and care provided to its enrollees until the care results in stabilization of the enrollee and also requires group plans to authorize and permit assignment of the enrollee's right to reimbursement for covered health care services to the State Department of Health Care Services when services are provided to a Medi-Cal beneficiary. Existing law provides for the direct payment of group insurance medical benefits by a health insurer to the person or persons furnishing or paying for hospitalization or medical or surgical aid or, in the case of a Medi-Cal beneficiary, to the State Department of Health Care Services, as specified. Existing law provides that specified services provided by a local educational agency are covered Medi-Cal benefits and authorizes providers to bill for those services.~~

~~This bill would require a health care service plan or health insurer to reimburse a school district for the health care services provided by a school nurse, registered nurse, or licensed vocational nurse employed by, or under contract with, a school district to an enrollee or insured that would otherwise be covered by the enrollee's plan contract or the insured's health insurance policy and would authorize the school district to submit a claim to a health care service plan or health insurer for reimbursement of the cost of those services. Because a willful violation of the bill's requirements with respect to health care service plans would be a crime, the bill would impose a state-mandated local program.~~

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(2) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

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

1 SECTION 1. (a) The Legislature finds and declares both of  
2 the following:

3 (1) The health needs of pupils are not being adequately met in  
4 California's schools due to a lack of qualified health professionals  
5 employed by school districts who have access to local school  
6 campuses.

7 (2) Nurses are uniquely qualified to attend to the primary care  
8 of pupils suffering from chronic and acute health conditions.

9 (b) It is therefore the intent of the Legislature in enacting this  
10 act to ensure that a school district that is eligible for concentration  
11 funding under the local control funding formula employ at least  
12 one school nurse, in accordance with standards accepted by ~~national~~  
13 ~~professional nursing organizations.~~ *the National Association of*  
14 *School Nurses.*

15 SEC. 2. Section 49404 is added to the Education Code, to read:  
16 49404. The governing board of a school district may bill a  
17 pupil's health insurer, or the Medi-Cal program pursuant to  
18 Section 14132.06 of the Welfare and Institutions Code, or both,  
19 for the cost of health care services provided to the pupil.

20 ~~SEC. 2.~~

21 SEC. 3. Section 49428 is added to the Education Code, to read:

1 49428. (a) The governing board of a school district that is  
 2 eligible to receive concentration funding under the local control  
 3 funding formula pursuant to subdivision (f) of Section 42238.02  
 4 shall employ at least one school nurse as a supervisor of health.  
 5 The supervisor of health shall supervise other school nurses,  
 6 registered nurses, or licensed vocational nurses employed by the  
 7 school district and, if applicable, a school nurse of a county office  
 8 of education under contract pursuant to subdivision (d).

9 (b) The governing board of a school district shall consider the  
 10 following factors in determining the number of nurses to be  
 11 supervised by the supervisor of health:

- 12 (1) The acuity of pupil health care needs.
- 13 (2) The distance and travel time between schools under the  
 14 supervision of the school nurse.
- 15 (3) The total healthy pupil population at each schoolsite.

16 (c) A registered nurse or licensed vocational nurse shall provide  
 17 health care services to pupils under the supervision of a school  
 18 nurse.

19 (d) A school district may contract with a county office of  
 20 education for the services of a school nurse employed by the county  
 21 office of education.

22 (e) This section shall not apply to schools served by a school  
 23 health center, as defined in Section 124174 of the Health and Safety  
 24 Code. However, the Legislature encourages schools with a school  
 25 health center to also employ a school nurse.

26 (f) For purposes of this section, the following definitions apply:

- 27 (1) "Licensed vocational nurse" means a licensed vocational  
 28 nurse licensed under Chapter 6.5 (commencing with Section 2840)  
 29 of Division 2 of the Business and Professions Code.
- 30 (2) "Registered nurse" means a registered nurse licensed under  
 31 Chapter 6 (commencing with Section 2700) of Division 2 of the  
 32 Business and Professions Code.

33 (3) "School nurse" has the same meaning as set forth in Section  
 34 49426.

35 (g) *Any nurses hired pursuant to this section shall supplement,  
 36 and not supplant, existing employees of the school district.*

37 ~~(g)~~

38 (h) This section shall be operative on July 1, 2016.

39 ~~SEC. 3. Section 1371.34 is added to the Health and Safety  
 40 Code, to read:~~

1 ~~1371.34.— A health care service plan shall reimburse a school~~  
2 ~~district for the health care services provided by a school nurse,~~  
3 ~~registered nurse, or licensed vocational nurse employed by, or~~  
4 ~~under contract with, a school district, pursuant to Section 49428~~  
5 ~~of the Education Code, to an enrollee of the plan that would~~  
6 ~~otherwise be covered by the enrollee’s plan contract. The school~~  
7 ~~district may submit a claim to a health care service plan for~~  
8 ~~reimbursement of the services described in this section. The~~  
9 ~~enrollee shall not be responsible for any share of the cost of~~  
10 ~~providing the services described in this section.~~

11 ~~SEC. 4.— Section 10133.68 is added to the Insurance Code, to~~  
12 ~~read:~~

13 ~~10133.68.— A health insurer shall reimburse a school district for~~  
14 ~~the health care services provided by a school nurse, registered~~  
15 ~~nurse, or licensed vocational nurse employed by, or under contract~~  
16 ~~with, a school district, pursuant to Section 49428 of the Education~~  
17 ~~Code, to an insured of the insurer that would otherwise be covered~~  
18 ~~by the insured’s policy of health insurance. The school district~~  
19 ~~may submit a claim to a health insurer for reimbursement of the~~  
20 ~~services described in this section. The insured shall not be~~  
21 ~~responsible for any share of the cost of providing the services~~  
22 ~~described in this section.~~

23 ~~SEC. 5.— No reimbursement is required by this act pursuant to~~  
24 ~~Section 6 of Article XIII B of the California Constitution for certain~~  
25 ~~costs that may be incurred by a local agency or school district~~  
26 ~~because, in that regard, this act creates a new crime or infraction,~~  
27 ~~eliminates a crime or infraction, or changes the penalty for a crime~~  
28 ~~or infraction, within the meaning of Section 17556 of the~~  
29 ~~Government Code, or changes the definition of a crime within the~~  
30 ~~meaning of Section 6 of Article XIII B of the California~~  
31 ~~Constitution.~~

32 ~~However, if the Commission on State Mandates determines that~~  
33 ~~this act contains other costs mandated by the state, reimbursement~~  
34 ~~to local agencies and school districts for those costs shall be made~~  
35 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
36 ~~4 of Title 2 of the Government Code.~~

37 ~~SEC. 4. *If the Commission on State Mandates determines that*~~  
38 ~~*this act contains costs mandated by the state, reimbursement to*~~  
39 ~~*local agencies and school districts for those costs shall be made*~~

- 1 *pursuant to Part 7 (commencing with Section 17500) of Division*
- 2 *4 of Title 2 of the Government Code.*

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