
A BILL FOR AN ACT

RELATING TO EDUCATIONAL HEALTH SERVICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. All medication requests to be administered by
2 school health assistants are currently reviewed and must be
3 approved by Hawaii department of health public health nurses.
4 This process ensures that a health care professional has
5 reviewed the medication request and determined that it is safe
6 and appropriate for a student to receive treatment. For
7 example, some medications would be best administered before or
8 after school and other medications may not be allowed if a
9 school health assistant is not qualified to assess the need for
10 as-needed medication. Medication administration is part of the
11 medication management process and requires clinical supervision
12 by a health care professional, including a registered nurse,
13 advanced practice registered nurse, physician assistant, or
14 physician, to ensure the health and safety of students if
15 unlicensed assistive personnel, such as school health
16 assistants, are utilized.

17 Some schools have a registered nurse, advanced practice
18 registered nurse, or other specialized health care provider on

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1 campus through written agreements with the department of
2 education. Partnerships with federally qualified health centers
3 and the University of Hawaii at Manoa school of nursing have
4 greatly improved access to health services for students at
5 school and through telehealth. Student care would be more
6 efficient, accessible, and safe if the administration of the
7 medication could be performed with the approval of a health care
8 professional within the department of education, department of
9 health, or a health care service per a written agreement with
10 the department of education. The current law prevents health
11 care professionals who are already on campus or in the school
12 community from performing the function of medication approval.

13 The purpose of this Act is to allow administration of
14 medications by school health assistants at school with the
15 approval of a health care professional within the department of
16 education, department of health, or health care service per a
17 written agreement with the department of education. This Act
18 amends statutes to match the existing department of education
19 practice for administration of medication at schools. This Act
20 also updates the term "school health aides" to "school health
21 assistants" to reflect updated job titles at the department of
22 education.

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1 SECTION 2. Section 302A-708, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[~~f~~]§302A-708 Career development opportunities.[~~f~~] The
4 department of education shall provide career pathways
5 development and training opportunities to all school health
6 [~~aides~~] assistants in the school health services field and other
7 fields within the department of education to ensure the
8 opportunity for continued employment with the department of
9 education."

10 SECTION 3. Section 302A-853, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "§302A-853 Administration of medication. (a) School
13 health [~~aides~~] assistants may assist students by administering
14 oral and topical medication, and in emergency situations, other
15 premeasured medication; provided that:

- 16 (1) If the student receiving the medication is a minor, a
17 parent or guardian requests and authorizes the
18 administration of medication;
- 19 (2) The medication has been prescribed by a licensed
20 physician, as defined in section 334-1, or by a
21 practitioner with prescriptive authority;

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1 (3) The administration of the medication is with the
2 approval of [~~the department of health; and~~] a health
3 care professional within the department of education,
4 department of health, or health care service as
5 defined in section 323D-2 per a written agreement with
6 the department of education; and

7 (4) The administration of the medication is necessary for
8 the health of the student and for the student's
9 attendance at school.

10 (b) For purposes of this section, "health care
11 professional" means physicians, surgeons, and others licensed
12 pursuant to chapter 453 and nurses licensed pursuant to chapter
13 457."

14 SECTION 4. Section 302A-854, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "§302A-854 School health [~~aides;~~] assistants;
17 compensation. All full-time school health [~~aides~~] assistants
18 employed in the department shall be employed and have their
19 compensation fixed in accordance with chapter 76 and the
20 appropriate collective bargaining agreement, executive order,
21 executive directive, or rule."

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1 SECTION 5. Section 457-13, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§457-13 Exceptions. This chapter does not prohibit:

4 (1) The furnishing of nursing assistance in an emergency;

5 (2) The practice of nursing that is incidental to the
6 program of study engaged in by students enrolled in
7 nursing education programs accredited by the board;

8 (3) The practice of nursing under a nonrenewable permit
9 by:

10 (A) A graduate of; or

11 (B) An applicant who has provided proof that the
12 applicant has completed the entire educational
13 curriculum required for graduation for a nursing
14 license from,

15 a school that is in or under the jurisdiction of the
16 United States, a territory, or a foreign jurisdiction,
17 and whose accreditation is recognized by the board;
18 provided that following completion of (A) or (B), the
19 candidate takes the first licensing examination
20 scheduled by any board of nursing recognized by the
21 board and has submitted to the board an application
22 for a license to practice nursing in the State; and

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1 provided further that the permit shall be valid for
2 three months or until the results of the licensing
3 examination are received by the board;

4 (4) The practice of any legally qualified nurse of another
5 state who is employed by the United States or any
6 bureau, division, or agency thereof, while in the
7 discharge of the nurse's official duties;

8 (5) The practice of nursing in connection with healing by
9 prayer or spiritual means alone in accordance with the
10 tenets and practice of any well recognized church or
11 religious denomination, provided that no person
12 practicing such nursing claims to practice as a
13 registered nurse or a licensed practical nurse; or

14 (6) The administration of oral and topical medication and
15 in emergency situations, other premeasured medication,
16 by school health [~~aides as provided in section 302A-~~
17 ~~853-~~] assistants."

18 SECTION 6. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

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1 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY: *Sam*

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BY REQUEST

JAN 23 2023

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Report Title:

Educational Health Services; Medication Administration; School Health Assistants; Exceptions

Description:

Allows the administration of medication to public school students by health assistants with the approval of a health care professional within the Department of Education, Department of Health, or a health care service per a written agreement with the Department of Education. Replaces the term "school health aides" with "school health assistants" to reflect recent changes to the job title.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Education

TITLE: A BILL FOR AN ACT RELATING TO EDUCATIONAL HEALTH SERVICES.

PURPOSE: Allows the administration of medication to public school students by health assistants with the approval of a health care professional within the Department of Education, Department of Health, or a health care service per a written agreement with the Department of Education. Replaces the term "school health aides" with "school health assistants" to reflect recent changes to the job title.

MEANS: Amends sections 302A-708, 302A-853, 302A-854, and 457-13, Hawaii Revised Statutes.

JUSTIFICATION: Under current law, all medication requests to be administered by school health assistants are currently reviewed and must be approved by Hawaii Department of Health public health nurses. This process ensures that a health care professional has reviewed the medication request and determined that it is safe and appropriate for a student to receive treatment. For example, some medications would be best administered before or after school and other medications may not be allowed if a school health assistant is not qualified to assess the need for as-needed medication. Medication administration is part of the medication management process and requires clinical supervision by a health care professional, including a registered nurse, advanced practice registered nurse, physician assistant, or physician, to ensure the health and safety of students if unlicensed assistive personnel, such as school health assistants, are utilized.

Some schools have a registered nurse, advanced practice registered nurse, or other

specialized health care provider on campus through written agreements with the Department of Education. Partnerships with federally qualified health centers and the University of Hawaii at Manoa School of Nursing have greatly improved access to health services for students at school and through telehealth. Student care would be more efficient, accessible, and safe if the administration of the medication could be performed with the approval of a health care professional within the Department of Education, Department of Health, or a health care service per a written agreement with the Department of Education. The current law prevents health care professionals who are already on campus or in the school community from performing the function of medication administration approval.

Replaces the term "school health aides" with "school health assistants" to reflect recent changes to the job title.

Impact on the public: More efficient student care.

Impact on the department and other agencies: The Department of Education will have more staff that can approve administration of medication to students in a more timely manner. The Department of Health approves medication requests. Partnerships with federally qualified health centers and the University of Hawaii at Manoa School of Nursing have greatly improved access to health services for students at school and through telehealth.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: None.

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OTHER AFFECTED
AGENCIES:

Department of Health, Department of Commerce
and Consumer Affairs, University of Hawaii.

EFFECTIVE DATE:

Upon approval.