

The background of the slide is a composite image. The top left shows a line of yellow school buses, with the number '32' visible on the front of one. The bottom left shows a classroom with blue walls, decorated with colorful balloons and framed pictures. There are several small white tables and chairs arranged in the room.

Providing Health Services on Out of State Field Trips

Angie McDonald ADN, RN, NASSNC

KDE State School Nurse Consultant

Michelle Malicote BSN, RN, NASSNC

KDPH School Health Branch Manager

2022



Kentucky Department of
E D U C A T I O N

Objectives:

- To understand the federal laws that protect students with disabilities
- To learn about out-of-state regulation of nursing practice
- To learn about how the nurse licensure compact relates to nursing practice
- Can plan and prepare for out-of-state field trips for all students



The Issue:

- The numbers of children attending school with special healthcare needs and complex medical conditions continue to increase
- Students who require health services may not be excluded or denied access to activities
- Not all school children have access to a registered professional school nurse
- Field trips may occur locally, within a state, out-of-state or even out-of-country
- Federal laws mandate schools to provide **ALL** students equal opportunity to participate in academic, nonacademic and extracurricular activities (including school-sponsored field trips)

Assurance:

- Schools must assure that medications administered to students are done so in a way that assures safety and compliance with the school policies and procedures and each state's law
- The nurse is responsible for knowing the scope of practice for nurses in the state they will be traveling into plus their home state



What are the Federal Laws that protect students with disabilities?

- [Individuals with Disabilities Education Act \(IDEA\)](#) IDEA – 34 CFR 300.34 (13)
- [Section 504, Rehabilitation Act of 1973 | U.S. Department of Labor \(dol.gov\)](#)
- [Title II Americans with Disabilities Act 1970 \(ADA\)](#)

Discrimination on the Basis of Disability:

- As they apply to entities under the jurisdiction of the Office for Civil Rights (OCR), OCR enforces:
- Section 504 of the Rehabilitation Act of 1973, including programs and activities that are conducted by HHS or receiving Federal financial assistance from HHS
- Section 508 of the Rehabilitation Act of 1973, covering access to electronic and information technology provided by HHS
- Title II of the Americans with Disabilities Act (ADA) of 1990, covering all health care and social services programs and activities of public entities
- Section 1557 of the Patient Protection and Affordable Care Act (ACA), ensuring that an individual is not excluded from participating in, denied benefits because of, or subjected to discrimination as prohibited under Section 504 of the Rehabilitation Act of 1973 (disability), under any health program or activity, any part of which is receiving federal financial assistance, or under any program or activity that is administered by an Executive Agency or any entity established under Title I

School Nursing Practice:

- Scope of practice varies from state to state
- Be especially aware of the scope of licensed practical nursing practice. Varies greatly across the U.S.

Out of State Regulation of Nursing Practice:

- Nursing Scope of Practice “Nurse Practice Act” regulated by individual State Boards of Nursing
- Standards of Practice are developed by National Nursing Organizations, i.e., National Association of School Nurses (NASN) and American Nurses Association (ANA)

Delegation:

- [KBN Guidance Related to Delegation](#)
- Delegation of Nursing Tasks is discussed in [201 KAR 20:400](#);
- Advisory Opinion Statement (AOS) #15 Supervision and Delegation of Nursing Tasks to Unlicensed Personnel, found in the [Document Library](#); and
- The Decision Tree for Delegation to UAP (Unlicensed Assistive Personnel), found in the [Document Library](#).

NASN Position Paper on Delegation:

NASN Nursing Delegation in the School Setting

Nurses are accountable to:

- state laws, rules and regulations
- employer/agency regulations
- standards of professional school nursing practice, including those pertaining to delegation (NASN, 2019)

Nurse Licensure Compact States (NLC):

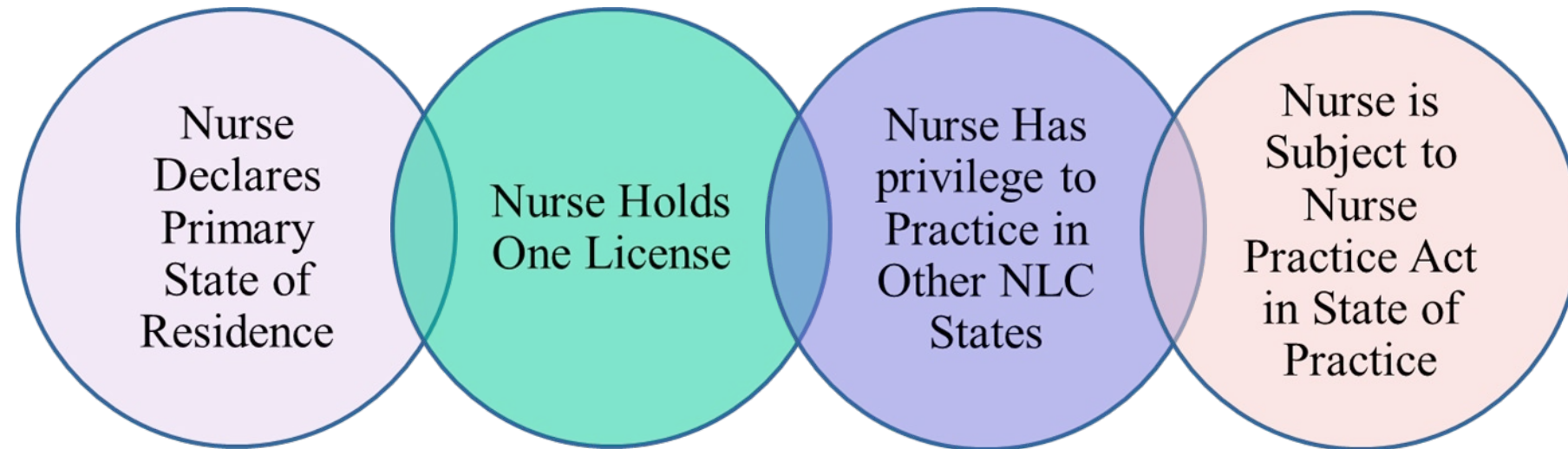
- The Nurse Licensure Compact is a modern licensure solution for the 21st century. As leaders in public protection, State Boards of Nursing developed and adopted the Nurse Licensure Compact in 2015. The Nurse Licensure Compact allows for nurses to have one multistate license with the ability to practice in all compact states
- Allows nurses from NLC states to practice in another NLC state without a second license
- Like a driver's license

Nurse Licensure Compact:

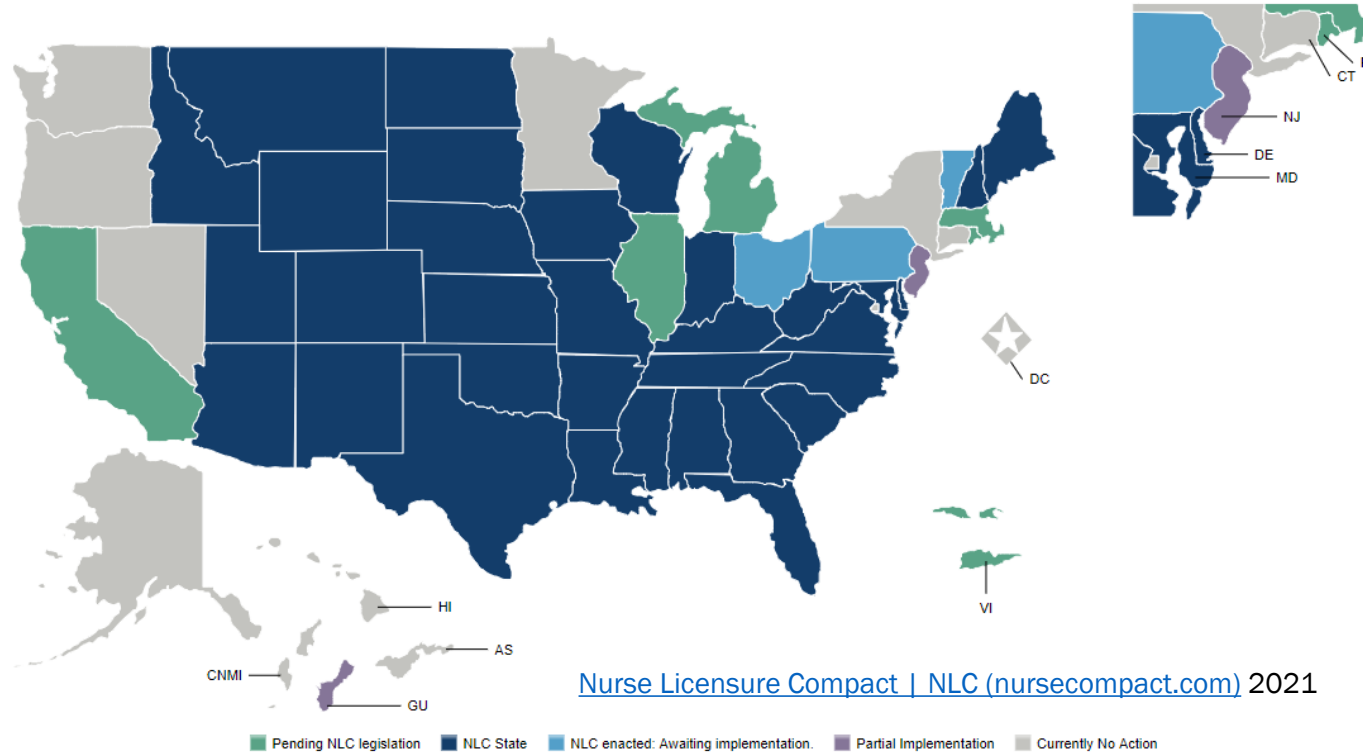
- Currently 34 NLC states
 - Applies to RNs and in some states, LPNs
 - Does not apply to unlicensed personnel or APRNs
 - Enacted in 38 Jurisdictions
-
- The National Council of State Boards of Nursing has a current listing of each state's board of nursing contact information: [Click Here](#)



Mutual Recognition:



Member States:

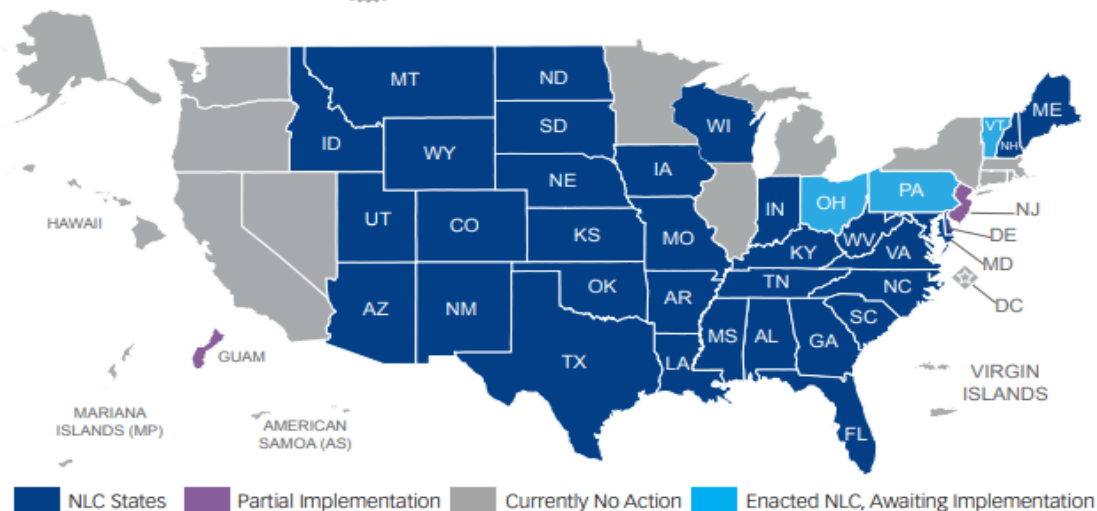
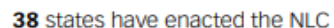


Nurse Licensure Compact | NLC (nursecompact.com) 2021

**Nurses holding a multistate license in their home state may now utilize that license to practice in New Jersey and Guam.*

**Nurses residing in New Jersey will not be able to apply for a multistate license until the 2nd half of 2021. The date is TBD.*

**Nurses residing in Guam will not be able to apply for a multistate license until 2022.*



New Jersey (34): Pending implementation in 2021, tentatively. Date TBD. Nurses holding a multistate license in other NLC states may practice in NJ. NJ residents cannot obtain a multistate license until implementation completed.

Guam (35): Pending implementation in 2022, tentatively. Nurses holding a multistate license in other NLC states may practice in Guam. Guam residents cannot obtain a multistate license until implementation is complete.

Vermont (36): Pending implementation on Feb. 1, 2022. Vermont residents will be able to apply for a multistate license as of that date. Nurses in other NLC states with a multistate license may not practice in Vermont until implementation is complete.

Pennsylvania (37): NLC enacted July 1, 2021. Implementation date is TBD. Criminal background checks must also be implemented. PA residents cannot obtain a multistate license until implementation is completed. Nurses in other NLC states with a multistate license may not practice in PA until implementation is complete.

Ohio (38): NLC enacted July 1, 2021. The implementation date is Jan. 1, 2023. Ohio residents cannot obtain a multistate license until implementation is completed. Nurses in other NLC states with a multistate license may not practice in Ohio until implementation is complete.



Kentucky Department of
E D U C A T I O N



NCSBN's National Council of State Boards of Nursing Position:

NASN's Executive Director, Donna Mazyck, met with NCSBN (July 2012) and requested a clarification on medication administration for students on school trips that occur in states outside the student's home state. NCSBN's response was:

"...the school nurse will need to contact the boards of nursing in the states where the field trips occur in order to determine the practice allowances for the licensed nurse related to delegation of nursing functions."

[The National Council of State Boards of Nursing](#) has a current listing of each state's board of nursing contact information

Applicable Statutory/Administrative Provisions:

- (a) The practice of any currently licensed nurse of another state practicing in this state during an emergency occurring in this state or any other state declared by the President of the United States or the Governor of Kentucky. The duration and conditions of the practice shall be determined by the board;”
- KRS 314.101(1)(a, e) [314.101 Excepted activities and practices – Work permits](#) and the Good Samaritan Act of 2007, KRS 39A.350-366, authorize APRNs licensed to practice in other states to provide medical care to patients in Kentucky during the current state of emergency.”
- Executive Order 2020-215 [STATE OF EMERGENCY: March 6 2020](#)
- 3.31.20 Order [Executive Order: Declaring a State of Emergency March 31 2020](#)

Out of State Field Trips:

Nurse is responsible for knowing the scope of practice for nurses in the state they will be traveling into plus their home state

Areas of particular importance:

- Delegation
- Medication administration
- Emergency care

Plan:

Student Considerations:

- Use of the Nursing Assessment
- Accommodations as specified in the IHP, IEP or 504 Plan
- Emergency Action Plans
- Determine needed health services, frequency of service need, the level of care required
- Legal and safe delegation of nursing services if allowed in state to be visited
- Availability of trained staff to provide healthcare services

Plan Ahead:

- Documentation and confidentiality of student information
- Reasonable accommodations for students with special health care needs
- Options for cancellation or alteration of the trip if all students cannot be reasonably accommodated
- Invite parents to accompany the student on the field trip. Parents cannot be required to attend.



Health Services Considerations:

- Is the state you are visiting or traveling through a member of the Nurse Licensure Compact?
 - Do you know the scope of practice in those states?
 - Do you know if delegation to unlicensed personnel is permitted in the state you are visiting or traveling through
- If delegation is allowed, are there limitations on delegation?
 - If delegation allowed, is training and competency verification required for unlicensed personnel?
 - Are there restrictions regarding proximity of supervising RN?

Summary:

- School sponsored field trips enhance a student's educational experience
- Review of state laws, regulations and nursing scope of practice for school health services is critical when planning and problem solving for students requiring health services on out of state field trips.

References:

<https://www.hhs.gov/civil-rights/for-individuals/disability/index.html>

<https://nursecompact.com/index.htm>

https://www.ncsbn.org/State_COVID-19_Response.pdf



Kentucky Department of
EDUCATION

Contact Information:

Angie McDonald ADN, RN, NASSNC
KDE State School Nurse Consultant
Angela.Mcdonald@education.ky.gov

Michelle Malicote BSN, RN, NASSNC
KDPH School Health Branch Manager
Michelle.Malicote@ky.gov

[illegible]