

ASSEMBLY, No. 3807

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MAY 2, 2022

Sponsored by:

Assemblywoman YVONNE LOPEZ
District 19 (Middlesex)

Co-Sponsored by:

Assemblymen Caputo, Benson and Daniels

SYNOPSIS

Requires each school district to have certified school nurse at each school building in district.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/16/2022)

1 AN ACT concerning public school nurses and amending
2 N.J.S.18A:40-1 and P.L.1999, c.153.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. N.J.S.18A:40-1 is amended to read as follows:

8 18A:40-1. Every board of education shall employ one or more
9 physicians, licensed to practice medicine and surgery within the
10 state, to be known as the medical inspector or medical inspectors,
11 and any board, not furnishing nursing services under a contract
12 pursuant to **[section 18A:40-3.1]** N.J.S.18A:40-3.1 shall employ
13 one or more certified school nurses at each school building in the
14 school district, and it may also employ one or more optometrists,
15 licensed to practice optometry within the state, to be known as the
16 school vision examiner or school vision examiners, and the board
17 shall fix their salaries and terms of office.

18 Every board of education shall adopt rules, subject to the
19 approval of the state board, for the government of such employees.

20 (cf: N.J.S.18A:40-1)

21

22 2. Section 2 of P.L.1999, c.153 (C.18A:40-3.3) is amended to
23 read as follows:

24 2. a. A school district shall only utilize or employ for the
25 provision of nursing services in **[the public schools]** each public
26 school building of the district persons holding an educational
27 services certificate with an endorsement as a school nurse issued by
28 the State Board of Examiners, except for those non-nursing
29 personnel who are otherwise authorized by statute or regulation to
30 perform specific health related services. Special education students
31 and those with medical needs requiring specialized care shall have
32 that care rendered by an appropriate provider as appointed by the
33 State Board of Education. No person shall be issued such
34 certificate unless the person is licensed as a registered nurse
35 pursuant to the provisions of P.L.1947, c.262 (C.45:11-23 et seq.)
36 and meets all of the requirements prescribed by the board for a
37 nursing endorsement. A school district may supplement the services
38 provided by the certified school nurse, employed at each school
39 building in the district pursuant to N.J.S.18A:40-1, with non-
40 certified nurses **[**, provided that the non-certified nurse is assigned
41 to the same school building or school complex as the certified
42 school nurse**]**.

43 b. A medically fragile student requiring clinical nursing
44 services shall have those services rendered by a provider of clinical
45 nursing services as defined in this subsection. Nothing in this
46 section shall be construed to exclude a licensed health care service
47 firm that is approved to provide private duty nursing under the

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 Medicaid Program and is in compliance with State Board of
2 Education regulations. The parent or legal guardian of a medically
3 fragile student shall have the option to choose a provider to render
4 clinical nursing services to the student, and the State Board of
5 Education shall allow the provider chosen by the parent or legal
6 guardian to render such services to the student only if the cost to the
7 school district remains neutral.

8 As used in this subsection:

9 "Medically fragile student" means a school-aged child who
10 suffers from a life-threatening medical condition, and as a result of
11 such condition, requires more individualized and continuous care
12 than is available from a school nurse.

13 "Clinical nursing services" means specific health care services,
14 based on a medically fragile student's individualized education plan
15 and a physician's or advanced practice nurse's orders, as provided
16 by a registered nurse or licensed practical nurse with specialized
17 pediatric training who attends to the student.

18 "Provider of clinical nursing services" means an agency that
19 renders clinical nursing services and is approved to provide private
20 duty nursing under the Medicaid program pursuant to P.L.1968,
21 c.413 (C.30:4D-1 et seq.) or the NJ FamilyCare Program pursuant
22 to P.L.2005, c.156 (C.30:4J-8 et al.).
23 (cf: P.L.2012, c.5, s.2)

24

25 3. This act shall take effect immediately.

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STATEMENT

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30 This bill requires each school district to employ a certified
31 school nurse at each school building in the district. Current law
32 requires every school district to employ one or more school nurses.
33 Current law also provides that a school district may only employ,
34 for the provision of nursing services, candidates holding an
35 educational services certificate with a school nurse endorsement
36 issued by the State Board of Examiners. Under the law, however, a
37 school district may supplement the services provided by a certified
38 school nurse with non-certified nurses provided that the non-
39 certified nurses are working in proximity to the certified nurse.
40 Specifically, the law requires a non-certified nurse to be assigned to
41 the same school building or school complex as the certified school
42 nurse.

43 This bill amends current law to specify that each school district
44 is required to have a certified school nurse located at each school
45 building in the district. A school district may continue to
46 supplement the services provided by the certified school nurse
47 employed at each school building in the district with non-certified
48 nurses.