

ACT 173

S.B. NO. 1344

A Bill for an Act Relating to Educational Health Services.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that all medication requests to be administered by school health assistants are currently reviewed and must be approved by 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.

The legislature also finds that 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 medication could be performed with the approval of a health care professional within the department of education, the department of health, or a health care service pursuant to a written agreement with the department of education. Existing law prevents health care professionals who are already on campus or in the school community from performing the function of medication approval.

The purpose of this Act is to:

- (1) Update the term “school health aides” to “school health assistants” to reflect updated job titles at the department of education; and
- (2) Allow administration of medications at school by school health assistants with the approval of a health care professional within the department of education, the department of health, or health care service pursuant to a written agreement with the department of education.

SECTION 2. Section 88-21, Hawaii Revised Statutes, is amended by amending the definition of “year round school employee” to read as follows:

““Year round school employee”: any teacher, school administrator, school health ~~[aide,]~~ assistant, educational assistant, school security attendant, or other salaried ten-month department of education employee working in a public school operating under a single-track restructured instructional schedule.”

SECTION 3. Section 302A-708, Hawaii Revised Statutes, is amended to read as follows:

“[§302A-708 Career development opportunities.] The department ~~[of education]~~ shall provide career pathways development and training opportunities to all school health ~~[aides]~~ assistants in the school health services field and other fields within the department ~~[of education]~~ to ensure the opportunity for continued employment with the department ~~[of education]~~.”

SECTION 4. Section 302A-853, Hawaii Revised Statutes, is amended to read as follows:

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

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

- (3) The administration of the medication is with the approval of ~~[the department of health; and]~~ a health care professional within the department, department of health, or health care service as defined in section 323D-2 pursuant to a written agreement with the department; and
- (4) The administration of the medication is necessary for the health of the student and for the student's attendance at school.
- (b) For purposes of this section, "health care professional" means a physician, surgeon, and other professional licensed pursuant to chapter 453, or nurse licensed pursuant to chapter 457."

SECTION 5. Section 302A-854, Hawaii Revised Statutes, is amended to read as follows:

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

SECTION 6. Section 457-13, Hawaii Revised Statutes, is amended to read as follows:

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

- (1) The furnishing of nursing assistance in an emergency;
- (2) The practice of nursing that is incidental to the program of study engaged in by students enrolled in nursing education programs accredited by the board;
- (3) The practice of nursing under a nonrenewable permit by:
 - (A) A graduate of; or
 - (B) An applicant who has provided proof that the applicant has completed the entire educational curriculum required for graduation for a nursing license from,

a school that is in or under the jurisdiction of the United States, a territory, or a foreign jurisdiction, and whose accreditation is recognized by the board; provided that following completion of subparagraph (A) or (B), the candidate takes the first licensing examination scheduled by any board of nursing recognized by the board and has submitted to the board an application for a license to practice nursing in the State; ~~[and]~~ provided further that the permit shall be valid for three months or until the results of the licensing examination are received by the board;
- (4) The practice of any legally qualified nurse of another state who is employed by the United States or any bureau, division, or agency thereof, while in the discharge of the nurse's official duties;
- (5) The practice of nursing in connection with healing by prayer or spiritual means alone in accordance with the tenets and practice of any well recognized church or religious denomination~~[;]~~; provided that no person practicing ~~[such]~~ the nursing described in this paragraph claims to practice as a registered nurse or a licensed practical nurse; or
- (6) The administration of oral and topical medication and in emergency situations, other premeasured medication, by school health ~~[aides]~~¹ assistants as provided in section 302A-853."

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SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 8. This Act shall take effect upon its approval.

(Approved July 3, 2023.)

Note

1. So in original.