



November 17, 2004

## **Executive Summary: Governor's Commission on Patient Safety**

The Michigan Association of School Nurses (MASN), is concerned about the safety of children who receive health care services in the school setting. We have a membership of 186. There are about 450-500 school nurses in Michigan and about 523 public school districts and 239 charter schools. **MASN's position is that medical treatments and medication administration provided in schools is a health service and should be done by a qualified person supervised under the Public Health Code.**

**Michigan Public Act 368 of 1978 (Public Health Code), Part 9101, mandates that the department (MDCH) shall establish a plan for health services for pupils in elementary and secondary schools of this state. The plan shall include a definition of school health services and standards for implementation. This plan has not been updated since the original 1980 plan. It is imperative that this plan be updated for the safety of students and liability of school districts & personnel.**

Nurses are held accountable to the Public Health Code (PHC). Traditional school employees are guided by the School Code. At times, the Public Health Code and the School Code conflict with each other. There are federal laws that schools must comply with, such as IDEA, Section 504 of the Rehabilitation Act, and parts of the Americans with Disabilities Act (ADA). The focus of current medication laws in the Michigan School Code is to reduce liability from individuals in the school district rather than to advocate for the safety of students. Medication laws that advocate for the safety of students would **require** training for school staff to administer medications.

School districts within the state of Michigan address the health and safety needs of children differently. Districts choose whether to employ school nurses to meet these needs, resulting in unequal access to nursing services across districts. Many schools are without the services of a school nurse. Schools that do not employ nurses often have no emergency plans that address their students' special needs. Few primary care providers are initiating health plans for students with chronic illness. MASN has been informed of children who are receiving care by untrained or inadequately trained personnel or volunteers without the supervision of a health care professional **The Michigan Department of Education (MDE) recommends, but does not require, training. This leaves serious potential for error and places children's safety at risk.**

Children are coming to school with increasingly complex health conditions that require treatment during the school day. There is a need to comply with federal laws requiring these services and court rulings that have backed the requirement for health services. Parents have the right for

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their children to be cared for safely during the school day. School staff should not have to worry about performing medical tasks that they are not qualified to do, adequately trained for, or supervised to do.

**Recommendations for providing safe health services in the public and charter schools (not inclusive of school based health centers):**

- **Update and comply with Part 9101, of the Michigan Public Act 368 of 1978 Public Health Code, which mandates that the department (MDCH) shall establish a plan for health services for pupils in elementary and secondary schools of this state. The plan shall include a definition of school health services and standards for implementation.**
- **Use the definition of health services in the Individuals with Disabilities Education Act, (I.D.E.A.), as a minimum standard for the definition of health services provided in schools.** The definition in CF 300.16 for “school health services” means services provided by a qualified nurse or other qualified person.
- Include in this health service plan that medical treatments and medication administration provided in schools is a **health service** and should be done by a qualified person supervised under the Public Health Code.
- **Develop guidelines and standards** for the implementation of school health services through the Michigan Department of Community Health using group consensus from representatives from the Michigan Department of Community Health, Michigan Department of Education (MDE), Michigan Branch of the American Academy of Pediatrics and Michigan Association of School Nurses (MASN).
- **Implement guidelines and standards** of care for school health-related services, such as, minimum standards for school health services, medications, management of chronic illnesses, confidentiality, delegation, health promotion, communicable diseases, school based health clinics, first aid/disaster response.
- Develop guidelines for implementation of these standards through the MDCH.
- Encourage congress to establish a budget item for a **health services consultant** at the state level to develop and implement the plan. This position can be shared between the MDCH and MDE as other states do, but needs to be filled by a licensed health professional able to provide health services in schools.
- Develop and implement criteria for: reporting type, provider classification, accountability and evaluation of health services provided in schools to both the Michigan Department of Community Health and the Michigan Department of Education.
- Voluntary reporting of medical treatment and medication errors made when health services are provided to students in schools to the Michigan Department of Community Health and the Michigan Department of Education.

Health services that are delivered by qualified persons helps to identify problems early on and prevent medical errors. Furthermore, health care costs can be reduced when health problems are reported and early intervention can occur.