



Senate Committee on Health
Testimony on SB 45 relating to school nurse certification
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Senator Vukmir and members of the Committee, thank you for this opportunity to provide comments, on behalf of the Wisconsin Technical College System on Senate Bill (SB) 45. My comments are limited to the provisions of the bill related to School Nurse certification.

First, allow me to clarify existing statute and administrative rules governing school nurse qualifications. The Legislative Reference Bureau bill summary for SB 45 states that “[U]nder (2009 Wisconsin) Act 160, a school nurse is defined as a registered nurse who has a bachelor’s degree in nursing or who is employed by, or under contract with, a school board, a [CESA], a county children with disabilities education board (CCDEB), or an independent charter school as a nurse....” More precisely, Act 160 defines a school nurse as “a registered nurse licensed under s.441.06 or in a party state, as defined in s.441.50(2)(j), who also meets the qualifications for school nurses prescribed by [DPI] rule. The bachelor’s degree requirement for school nurses is established through DPI rule (PI 34.01(52m), not state statute.

This distinction is important because of the potential effect of enactment of SB 45 on proposed provisions in the Governor’s 2011-13 biennial budget bill (SB27/AB40). In his summary of his education and workforce budget initiatives, the Governor states:

To provide greater flexibility for school districts to address educational outcomes, eliminate mandates requiring school districts to:employ only licensed school nurses who have at least a bachelor’s degree.....”

This provision deletes the current law requirement that school nurses meet qualifications for school nurses prescribed by DPI by rule and statutorily defines a school nurse as a licensed registered nurse.

If this provision is enacted as proposed as part of the biennial budget, qualified registered nurses who are graduates of technical college associate degree nursing programs would be able to be employed as school nurses and, under current law, would enjoy immunity from civil liability for referring a pupil to law enforcement authorities and could be employed for a special education program.

SB 45 does not change the current administrative rule requirements for school nurses, but it does create another mandate that registered nurses would have to be DPI-licensed school nurses and only DPI-licensed school nurses would enjoy civil liability protections, or could be employed for a special education program.

SB 45 does not specify the requirements for DPI licensure of school nurses, other than that they are “qualified to perform professional nursing services in a public school.” Given the current DPI rule requirements of a bachelor’s or master’s in nursing, however, it seems reasonable to assume similar degree requirements would be necessary for DPI licensure. Under this scenario, enactment of SB 45 in its current form would essentially override the school nurse provisions in the Governor’s biennial budget proposal.

To avoid any confusion between the provisions of SB 45 and the biennial budget proposal, we request the committee amend SB 45 to define a school nurse consistent with the definition of school nurse as proposed in the biennial budget bill (SB 27/AB40) as a registered nurse licensed by the State of Wisconsin (under s.441.06) or by another recognized state, (as defined in s.441.50(2)(j)). We would be happy to work with members of the committee on such an amendment.

Thank you for this opportunity to comment. I would be happy to answer any questions.