

Amendment No. 880

Assembly Amendment to Assembly Bill No. 354 First Reprint (BDR 34-850)

Proposed by: Assembly Committee on Ways and Means**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will REMOVE all appropriations from A.B. 354.

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) **green bold** is newly added transitory language.

KCR



Date: 5/20/2007

A.B. No. 354—Revises provisions governing the health of pupils. (BDR 34-850)



ASSEMBLY BILL NO. 354—ASSEMBLYMEN
PARNELL, SMITH AND MABEY

MARCH 15, 2007

JOINT SPONSOR: SENATOR WIENER

Referred to Committee on Education

SUMMARY—Revises provisions governing the health of pupils. (BDR 34-850)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Contains Appropriation not included in
Executive Budget.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the health of pupils; requiring that certain physical examinations of children ~~required~~ in schools include an examination of height and weight ~~of a representative sample of pupils~~; requiring school nurses to report the ~~aggregate~~ results of such physical examinations to the State Health Officer for statistical purposes and to exclude from the reports any identifying information relating to a particular child; ~~making an appropriation~~ **requiring the Legislative Committee on Health Care to hold a hearing during the interim concerning the health-related issues of children**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, physical examinations of children are required in certain grades in school to determine if a child has scoliosis, any visual or auditory problem or any gross physical defect. (NRS 392.420) This bill ~~adds an additional~~ **requires such a** physical examination before the completion of the first year of enrollment in elementary school. This bill also requires ~~the~~ examinations ~~to include an examination~~ of height and weight ~~of a representative sample of pupils~~. This bill authorizes school districts to collaborate with qualified health care providers and students enrolled in health care programs in postsecondary educational institutions to assist in the physical examinations. This bill requires school nurses to report the ~~aggregate~~ results of such physical examinations to the State Health Officer for statistical purposes and to exclude from the reports any identifying information relating to a particular child.

~~Section 2 of this bill makes an appropriation of \$75,000 to the Health Division of the Department of Health and Human Services for contracting with the Nevada Public Health Foundation to convene at least two statewide meetings with representatives of all health authorities and local health officers in this State to identify the health-related issues, needs and priorities of children in this State, and to provide a written report to the Legislative Committee on Health Care concerning the findings and recommendations resulting from those meetings.~~

Section 4 of this bill requires the Legislative Committee on Health Care to hold a hearing, during the 2007-2009 interim, concerning the health-related issues of children.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 392.420 is hereby amended to read as follows:

392.420 1. In each school at which he is responsible for providing nursing services, a school nurse shall plan for and carry out, or supervise qualified health personnel in carrying out, a separate and careful observation and examination of every child who is regularly enrolled in a grade specified by the board of trustees or superintendent of schools of the school district in accordance with this subsection to ~~conduct examinations of height and weight and to~~ determine whether the child has scoliosis, any visual or auditory problem, or any gross physical defect. The grades in which the observations and examinations must be carried out are as follows:

(a) For visual and auditory problems ~~and to conduct examinations of height and weight~~ ~~in~~:

(1) *Before the completion of the first year of initial enrollment in elementary school;*

(2) *In ~~addition to subparagraph (1), in~~ at least ~~two grades~~ one additional grade of the elementary schools ~~and~~;*

(3) *In ~~at least~~ one grade of the middle or junior high schools ~~and~~ ~~in~~ at least one grade of the high schools; and*

(b) For scoliosis, in at least one grade of schools below the high schools.

↪ Any person other than a school nurse who performs an observation or examination pursuant to this subsection must be trained by a school nurse to conduct the observation or examination.

2. *In addition to the requirements of subsection 1, each school district shall conduct examinations of height and weight of a representative sample of pupils in at least one grade of the:*

(a) Elementary schools within the school district;

(b) Middle schools or junior high schools within the school district; and

(c) High schools within the school district.

↪ *The Health Division of the Department of Health and Human Services shall define "representative sample" in collaboration with the school districts for purposes of this subsection.*

3. If any child is attending school in a grade above one of the specified grades and has not previously received such an observation and examination, he must be included in the current schedule for observation and examination. Any child who is newly enrolled in the district must be examined for any medical condition for which children in a lower grade are examined.

~~4.~~ 4. A special examination for a possible visual or auditory problem must be provided for any child who:

(a) Is enrolled in a special program;

(b) Is repeating a grade;

(c) Has failed an examination for a visual or auditory problem during the previous school year; or

(d) Shows in any other way that he may have such a problem.

~~5.~~ 5. The school authorities shall notify the parents or guardian of any child who is found or believed to have ~~and~~ scoliosis, any visual or auditory problem,

~~[scoliosis]~~ or any gross physical defect, and shall recommend that appropriate medical attention be secured to correct it.

~~[5-]~~ 6. In any school district in which state, county or district public health services are available or conveniently obtainable, those services may be used to meet the responsibilities assigned under the provisions of this section. The board of trustees of the school district may employ qualified personnel to perform them. Any nursing services provided by such qualified personnel must be performed in compliance with chapter 632 of NRS.

~~[6-]~~ 7. *The board of trustees of a school district may collaborate with:*

(a) Qualified health care providers within the community to perform, or assist in the performance of, the services required by this section; and

(b) Postsecondary educational institutions for qualified students enrolled in such an institution in a health-related program to perform, or assist in the performance of, the services required by this section.

~~[7-]~~ 8. Any child must be exempted from the examination if his parents or guardian filed with the teacher a written statement objecting to the examination.

~~[8-]~~ 9. *Each school nurse shall report the results of the examinations conducted pursuant to this section in each school at which he is responsible for providing nursing services to the State Health Officer in the format prescribed by the State Health Officer. Each such report must ~~include only aggregate information for statistical purposes and~~ exclude any identifying information relating to a particular child. The State Health Officer shall compile all such ~~aggregate~~ information he receives to monitor the health status of children and shall retain the ~~aggregate~~ information.*

Sec. 2. NRS 392.420 is hereby amended to read as follows:

392.420 1. In each school at which he is responsible for providing nursing services, a school nurse shall plan for and carry out, or supervise qualified health personnel in carrying out, a separate and careful observation and examination of every child who is regularly enrolled in a grade specified by the board of trustees or superintendent of schools of the school district in accordance with this subsection to determine whether the child has scoliosis, any visual or auditory problem, or any gross physical defect. The grades in which the observations and examinations must be carried out are as follows:

(a) For visual and auditory problems:

(1) Before the completion of the first year of initial enrollment in elementary school;

(2) In at least one additional grade of the elementary schools; and

(3) In one grade of the middle or junior high schools and one grade of the high schools; and

(b) For scoliosis, in at least one grade of schools below the high schools.

➤ Any person other than a school nurse who performs an observation or examination pursuant to this subsection must be trained by a school nurse to conduct the observation or examination.

~~2. In addition to the requirements of subsection 1, each school district shall conduct examinations of height and weight of a representative sample of pupils in at least one grade of the:~~

~~— (a) Elementary schools within the school district;~~

~~— (b) Middle schools or junior high schools within the school district; and~~

~~— (c) High schools within the school district;~~

~~➤ The Health Division of the Department of Health and Human Services shall define "representative sample" in collaboration with the school districts for purposes of this subsection.~~

SECOND
PARALLEL
SECTION

~~3.1~~ If any child is attending school in a grade above one of the specified grades and has not previously received such an observation and examination, he must be included in the current schedule for observation and examination. Any child who is newly enrolled in the district must be examined for any medical condition for which children in a lower grade are examined.

~~4.1~~ 3. A special examination for a possible visual or auditory problem must be provided for any child who:

- (a) Is enrolled in a special program;
- (b) Is repeating a grade;
- (c) Has failed an examination for a visual or auditory problem during the previous school year; or
- (d) Shows in any other way that he may have such a problem.

~~5.1~~ 4. The school authorities shall notify the parents or guardian of any child who is found or believed to have scoliosis, any visual or auditory problem, or any gross physical defect, and shall recommend that appropriate medical attention be secured to correct it.

~~6.1~~ 5. In any school district in which state, county or district public health services are available or conveniently obtainable, those services may be used to meet the responsibilities assigned under the provisions of this section. The board of trustees of the school district may employ qualified personnel to perform them. Any nursing services provided by such qualified personnel must be performed in compliance with chapter 632 of NRS.

~~7.1~~ 6. The board of trustees of a school district may collaborate with:

- (a) Qualified health care providers within the community to perform, or assist in the performance of, the services required by this section; and
- (b) Postsecondary educational institutions for qualified students enrolled in such an institution in a health-related program to perform, or assist in the performance of, the services required by this section.

~~8.1~~ 7. Any child must be exempted from the examination if his parents or guardian filed with the teacher a written statement objecting to the examination.

~~9.1~~ 8. Each school nurse shall report the results of the examinations conducted pursuant to this section in each school at which he is responsible for providing nursing services to the State Health Officer in the format prescribed by the State Health Officer. Each such report must exclude any identifying information relating to a particular child. The State Health Officer shall compile all such information he receives to monitor the health status of children and shall retain the information.

~~[Sec. 2.] Sec. 3. [1. There is hereby appropriated from the State General Fund to the Health Division of the Department of Health and Human Services the sum of \$75,000 for contracting with the Nevada Public Health Foundation to convene at least two statewide meetings with representatives of all health authorities and local health officers in this State to identify the health-related issues, needs and priorities of children in this State, and to provide a written report to the Legislative Committee on Health Care concerning the findings and recommendations resulting from those meetings.]~~

~~2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.]~~ (Deleted by amendment.)

Sec. 4. The Legislative Committee on Health Care shall, during the 2007-2009 interim, hold at least one hearing to identify the health-related issues, needs and priorities of children residing in this State. The Committee shall solicit input from all health authorities in this State and all county and local public health officials.

~~Sec. 3.~~ **Sec. 5. ~~This act becomes~~**

1. This section and sections 1 and 4 of this act become effective on July 1, 2007.

2. Section 1 of this act expires by limitation on June 30, 2010.

3. Section 2 of this act becomes effective on July 1, 2010.