

SENATE BILL NO. 247—SENATOR WIENER

MARCH 16, 2011

Referred to Committee on Education

SUMMARY—Establishes the Program for School-Based Health Centers. (BDR 34-112)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

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

AN ACT relating to public schools; establishing the Program for School-Based Health Centers; requiring the State Health Officer to administer the Program to the extent that money is available; authorizing school districts and charter schools to establish school-based health centers; establishing the Fund for School-Based Health Centers; prescribing certain requirements for school-based health centers that receive money from the Fund; providing immunity from civil liability for school districts and charter schools that establish school-based health centers; providing immunity from civil liability for providers of health care who provide care at school-based health centers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 6 of this bill establishes the Program for School-Based Health Centers, which is administered by the State Health Officer. **Section 7** of this bill authorizes the State Health Officer, to the extent money is available, to prescribe criteria for school-based health centers and regulations to carry out the Program. **Section 8** of this bill creates the Fund for School-Based Health Centers and authorizes the State Health Officer to administer the Fund and to accept money for deposit in the Fund.

Section 9 of this bill authorizes boards of trustees of school districts and governing bodies of charter schools to establish school-based health centers, including, without limitation, authority to contract with sponsoring facilities for the operation of such centers.

Section 10 of this bill requires school-based health centers to obtain written permission before providing care to pupils and prohibits school-based health centers from providing certain types of care.



* S B 2 4 7 *

14 **Sections 15 and 16** of this bill provide immunity from civil liability to school
15 districts and charter schools that establish school-based health centers and to
16 providers of health care who provide care at such centers.

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

1 **Section 1.** Chapter 386 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 10, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 10, inclusive, of this act,*
5 *unless the context otherwise requires, the words and terms defined*
6 *in sections 3, 4 and 5 of this act have the meanings ascribed to*
7 *them in those sections.*

8 **Sec. 3.** *“Program” means the Program for School-Based*
9 *Health Centers established by section 6 of this act.*

10 **Sec. 4.** *“School-based health center” has the meaning*
11 *ascribed to it in 42 U.S.C. § 1397jj.*

12 **Sec. 5.** *“Sponsoring facility” has the meaning ascribed to it*
13 *in 42 U.S.C. § 1397jj.*

14 **Sec. 6. 1.** *There is hereby established the Program for*
15 *School-Based Health Centers.*

16 **2.** *The State Health Officer shall, to the extent that money is*
17 *available for that purpose, administer the Program.*

18 **3.** *The Program must be designed to:*

19 **(a)** *Coordinate efforts to facilitate and encourage the*
20 *development of school-based health centers;*

21 **(b)** *Provide technical assistance to boards of trustees of school*
22 *districts, governing bodies of charter schools and sponsoring*
23 *facilities; and*

24 **(c)** *Assist in the identification of sources for funding school-*
25 *based health centers.*

26 **Sec. 7. 1.** *The State Health Officer may, to the extent that*
27 *money is available for that purpose, adopt regulations to carry out*
28 *the Program.*

29 **2.** *The State Health Officer shall coordinate with the*
30 *Superintendent of Public Instruction and other interested persons*
31 *and governmental entities in developing such regulations.*

32 **3.** *The regulations must:*

33 **(a)** *Establish procedures for the allocation of money from the*
34 *Fund for School-Based Health Centers created by section 8 of this*
35 *act, including, without limitation, procedures for determining the*
36 *severity of the need for access to health care of pupils enrolled in*
37 *public schools in this State and preferences for the allocation of*
38 *money to school districts and school-based health centers which*



1 *demonstrate a greater need among their pupils for access to health*
2 *care.*

3 (b) *Prescribe the process and criteria for applying for money*
4 *from the Fund, which must require the school-based health center*
5 *and sponsoring facility to:*

6 (1) *Meet the requirements of this section and any*
7 *regulations adopted pursuant thereto; and*

8 (2) *Be qualified to obtain federal funding as a school-based*
9 *health center.*

10 (c) *Set forth requirements for an advisory council of a school-*
11 *based health center, including, without limitation, the*
12 *membership, duties and other matters concerning the council.*

13 (d) *Set forth the care and services which may be provided at a*
14 *school-based health center, including, without limitation,*
15 *preventative health services, counseling, acute health services and*
16 *referrals for acute health services.*

17 (e) *Prescribe any other requirements deemed necessary by the*
18 *State Health Officer.*

19 **Sec. 8. 1. The Fund for School-Based Health Centers is**
20 **hereby created as a special revenue fund in the State Treasury, to**
21 **be administered by the State Health Officer. The State Health**
22 **Officer may accept gifts and grants of money from any source for**
23 **deposit in the Fund. Any money from gifts and grants must be**
24 **expended in accordance with the terms and conditions of the gift**
25 **or grant, if any. The interest and income earned on the sum of:**

26 (a) *The money in the Fund; and*

27 (b) *Unexpended appropriations made to the Fund from the*
28 *State General Fund,*

29 *↪ must be credited to the Fund for School-Based Health Centers.*
30 *Any money remaining in the Fund for School-Based Health*
31 *Centers at the end of a fiscal year does not revert to the State*
32 *General Fund, and the balance in the Fund for School-Based*
33 *Health Centers must be carried forward to the next fiscal year.*

34 2. *Except as otherwise provided in subsection 1, the money in*
35 *the Fund for School-Based Health Centers may only be used for:*

36 (a) *The allocation of money to school districts, charter schools*
37 *and sponsoring facilities to promote, establish and maintain*
38 *school-based health centers.*

39 (b) *Reimbursing the State Health Officer for the costs of*
40 *carrying out the provisions of sections 2 to 10, inclusive, of this*
41 *act.*

42 3. *The State Health Officer shall monitor school-based health*
43 *centers to which money is allocated from the Fund for School-*
44 *Based Health Centers pursuant to this section.*



1 **Sec. 9. 1.** *The board of trustees of a school district or the*
2 *governing body of a charter school may establish a school-based*
3 *health center for a public school or consortium of public schools.*

4 **2.** *The board of trustees of a school district or the governing*
5 *body of a charter school:*

6 **(a)** *May contract with a sponsoring facility for the operation of*
7 *the school-based health center, including, without limitation, for*
8 *the provision of medical services and care.*

9 **(b)** *May prescribe the services and care that may be provided*
10 *at a school-based health center, which may be less exhaustive than*
11 *the services and care authorized pursuant to regulations adopted*
12 *by the State Health Officer.*

13 **(c)** *If the board of trustees or governing body wishes to apply*
14 *for an allocation from the Fund for School-Based Health Centers*
15 *created by section 8 of this act, shall create an advisory council for*
16 *the school-based health center. The advisory council shall:*

17 **(1)** *Advise the State Health Officer on matters relating to*
18 *school-based health centers, including, without limitation,*
19 *prioritizing the needs of the center, providing information for*
20 *financial planning of the Program, assisting in planning the*
21 *Program and providing information requested to oversee the*
22 *center; and*

23 **(2)** *Carry out the duties imposed by and otherwise comply*
24 *with any regulations adopted by the State Health Officer.*

25 **3.** *The board of trustees of a school district or the governing*
26 *body of a charter school may not apply for an allocation from the*
27 *Fund for School-Based Health Centers for a school-based health*
28 *center established pursuant to this section if the school-based*
29 *health center is not in compliance with the provisions of sections 2*
30 *to 10, inclusive, of this act and any regulations adopted by the*
31 *State Health Officer.*

32 **Sec. 10. 1.** *The board of trustees of a school district or the*
33 *governing body of a charter school which establishes a school-*
34 *based health center must obtain written consent from the parent or*
35 *guardian of a pupil before the pupil may receive care or services*
36 *provided at the school-based health center. The written consent*
37 *must be maintained in the health care record of the pupil.*

38 **2.** *A school-based health center shall not:*

39 **(a)** *Provide any service or care to a pupil if written consent has*
40 *not been obtained pursuant to subsection 1.*

41 **(b)** *Counsel or advocate abortion in any way or refer any pupil*
42 *to a person who counsels or advocates abortion.*

43 **(c)** *Distribute at the school-based health center or a public*
44 *school any contraceptive or abortifacient drug or device, or any*
45 *similar product.*



1 **3. Medical services and care provided at a school-based**
2 **health center pursuant to sections 2 to 10, inclusive, of this act are**
3 **not nursing services for the purposes of NRS 391.207, 391.208**
4 **and 392.420.**

5 **Sec. 11.** NRS 393.071 is hereby amended to read as follows:

6 393.071 The board of trustees of any school district may grant
7 the use of school buildings or grounds for public, literary, scientific,
8 recreational or educational meetings, **for a school-based health**
9 **center established pursuant to section 9 of this act** or for the
10 discussion of matters of general or public interest upon such terms
11 and conditions as the board deems proper, subject to the limitations,
12 requirements and restrictions set forth in NRS 393.071 to 393.0719,
13 inclusive.

14 **Sec. 12.** NRS 393.0713 is hereby amended to read as follows:

15 393.0713 1. Except as otherwise provided in subsection 2,
16 the privilege of using the buildings or grounds must not be granted
17 for a period exceeding 1 year. The privilege is renewable and
18 revocable in the discretion of the board of trustees at any time.

19 2. The time limitation set forth in subsection 1 does not apply
20 to ~~the~~:

21 **(a) The use of a school library pursuant to NRS 393.07105 ~~H~~ ;**
22 **or**

23 **(b) The operation of a school-based health center established**
24 **pursuant to section 9 of this act.**

25 **Sec. 13.** NRS 393.0714 is hereby amended to read as follows:

26 393.0714 The board of trustees of any school district may grant
27 the use of school buildings, grounds and equipment without charge
28 to:

29 1. Public agencies for the purpose of holding examinations for
30 the selection of personnel.

31 2. The general public for use of school libraries within the
32 school district pursuant to NRS 393.07105.

33 **3. A sponsoring facility pursuant to a contract for the**
34 **operation of a school-based health center established pursuant to**
35 **section 9 of this act. As used in this subsection, “sponsoring**
36 **facility” has the meaning ascribed to it in section 5 of this act.**

37 **Sec. 14.** NRS 393.140 is hereby amended to read as follows:

38 393.140 The board of trustees of a school district shall have the
39 power by exchange, purchase, lease or otherwise to acquire any
40 school site or other real property for necessary school purposes,
41 including but not limited to playgrounds, athletic fields , ~~land~~ sites
42 for stadiums ~~H~~ **and school-based health centers established**
43 **pursuant to section 9 of this act.**



1 **Sec. 15.** Chapter 41 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *The board of trustees of a school district or the governing body*
4 *of a charter school which establishes a school-based health center*
5 *pursuant to section 9 of this act is not liable for any civil damages*
6 *as a result of any act or omission of a person employed by a*
7 *sponsoring facility or on the medical staff of a school-based health*
8 *center, unless:*

9 1. *The person made a specific promise or representation to a*
10 *natural person who relied upon the promise or representation to*
11 *the person's detriment; or*

12 2. *The conduct of the person affirmatively caused the harm.*

13 **Sec. 16.** NRS 41.505 is hereby amended to read as follows:

14 41.505 1. Any person licensed under the provisions of
15 chapter 630, 632 or 633 of NRS and any person who holds an
16 equivalent license issued by another state, who renders emergency
17 care or assistance, including, without limitation, emergency
18 obstetrical care or assistance, in an emergency, gratuitously and in
19 good faith, is not liable for any civil damages as a result of any act
20 or omission, not amounting to gross negligence, by that person in
21 rendering the emergency care or assistance or as a result of any
22 failure to act, not amounting to gross negligence, to provide or
23 arrange for further medical treatment for the injured or ill person.
24 This section does not excuse a physician, physician assistant or
25 nurse from liability for damages resulting from that person's acts or
26 omissions which occur in a licensed medical facility relative to any
27 person with whom there is a preexisting relationship as a patient.

28 2. Any person licensed under the provisions of chapter 630,
29 632 or 633 of NRS and any person who holds an equivalent license
30 issued by another state who:

31 (a) Is retired or otherwise does not practice on a full-time basis;
32 and

33 (b) Gratuitously and in good faith, renders medical care within
34 the scope of that person's license to an indigent person,

35 ➤ is not liable for any civil damages as a result of any act or
36 omission by that person, not amounting to gross negligence or
37 reckless, willful or wanton conduct, in rendering that care.

38 3. Any person licensed to practice medicine under the
39 provisions of chapter 630 or 633 of NRS or licensed to practice
40 dentistry under the provisions of chapter 631 of NRS who renders
41 care or assistance to a patient for a governmental entity or a
42 nonprofit organization is not liable for any civil damages as a result
43 of any act or omission by that person in rendering that care or
44 assistance if the care or assistance is rendered gratuitously, in good



1 faith and in a manner not amounting to gross negligence or reckless,
2 willful or wanton conduct.

3 *4. A provider of health care who renders care or assistance to*
4 *a pupil for a school-based health center established pursuant to*
5 *section 9 of this act is not liable for any civil damages as a result*
6 *of any act or omission by that provider in rendering that care or*
7 *assistance if the care or assistance is rendered gratuitously, in*
8 *good faith and in a manner not amounting to gross negligence or*
9 *reckless, willful or wanton conduct. As used in this subsection,*
10 *“provider of health care” has the meaning ascribed to it in*
11 *NRS 629.031.*

12 ~~14.1~~ 5. As used in this section, “gratuitously” has the meaning
13 ascribed to it in NRS 41.500.

14 **Sec. 17.** This act becomes effective on July 1, 2011.

