



1:1 Nursing Services for Students with Special Health Care Needs

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Introduction

Due to advancements in health care, many students are attending school with significant and complex health care needs. Frequently, school districts provide intensive nursing care for students with special health care needs. When a school district determines that the care cannot be met with existing services, the school district can explore options for additional nursing services.

A school district can hire a special needs nurse or contract with a third party to provide nursing services. In these situations, questions arise regarding accountability, communication, confidentiality, liability, cost, billing, and attendance at educational meetings. This question and answer document explores the nursing care options and provides school districts guidance in working with students with special health care needs.

Frequently Asked Questions

- 1. How does a school district determine the level of nursing care and personnel for students with special health care needs?**
- 2. Who is responsible for providing the nursing services at school?**
- 3. What are the differences between special needs and third party nursing care?**
- 4. What are the advantages and disadvantages of hiring a special needs nurse for the provision of nursing care?**
- 5. What are the advantages and disadvantages of nursing care through a third party?**
- 6. What documentation is recommended to outline the role and responsibilities of third party nursing services?**
- 7. Where in the student's IEP should the nursing services be documented?**
- 8. What are the funding mechanisms available to school districts to recover some costs of providing nursing services in the school?**

Answers

1. How does a school district determine the level of nursing care and personnel for students with special health care needs?

A school nurse is a valuable resource in providing a nursing assessment of students' health care needs and determining the type of personnel necessary to provide nursing services. Information regarding the needs may be gathered from many sources, including: the parents, medical providers, home health care agencies, and nursing services outlined in previous individual education programs. Medical providers' authorization of essential nursing tasks and medications needed by students during the school day is critical information in the decision-making process. The decision to delegate the nursing task is based on the nurse's assessment of the complexity of the nursing task and care, predictability of the health status of the student, and the educational preparation, demonstrated abilities, and scope of practice of school personnel with and without a health care license. Since the decision to delegate a task is the responsibility of the nurse, nursing judgment determines the expertise needed to safely provide nursing care. Consultation with the school district's medical advisor can be beneficial in providing an expert opinion of needed nursing services and appropriate personnel to provide the care.

For more information regarding delegation, please see the Department of Public Instruction (DPI) question and answer document, Delegation, the Nurse Practice Act, and School Nursing in Wisconsin Schools available at:

<http://dpi.wi.gov/sspw/pdf/snpracticeact.pdf>.

When the decision has been made that the care can be safely delegated to school personnel without a health care license, the nurse can provide the necessary training for staff to perform the tasks. In the event that the nursing care cannot be delegated to school personnel without a health care license, the school nurse can assist the school district in determining the level and extent of nursing education, training, and experience necessary to perform the health care tasks.

2. Who is responsible for providing the nursing services at school?

Through the Individuals with Disabilities Education Act (IDEA), school districts are responsible to provide a free, appropriate public education to all students, including students with special health care needs. The school district has the obligation to provide the

nursing care needed for a student to receive a free appropriate public education, no matter which service mechanism is used.

3. What are the differences between special needs and third party nursing care?

Special needs and third party nurses are the two mechanisms for providing nursing care for an individual student or small group of students with complex health needs in the schools. The special needs nurse is hired by the board of education. Third party nursing is provided through a contract with an independent personal care or private duty nurse or third party agency, such as a home health care agency.

4. What are the advantages and disadvantages of hiring a special needs nurse for the provision of nursing care?

School districts may hire a nurse through the local board of education to provide care for an individual student or small group of students. The special needs nurse’s job description outlines lines of supervision, nursing, and educational duties, and communication responsibilities between the special needs and school-wide school nurse, school personnel, parents, and medical provider. The advantages of using special needs nurses include direct supervision by school personnel, control of the duties, accountability for nursing care, and flexibility to adjust to changes in care. The disadvantages in utilizing a special needs nurse are the school district must hire and supervise the nurse and there may be limited availability of nurses to provide backup coverage.

	Special Needs Nurse	Third Party Nurse
Mechanism to Provide	Hired by school board	Hired by agency or family
Responsibilities	Job description	MOU or contract
Liability	School board	Individual or agency coverage
Students Served	Individual or small group	Individual
Funding	IDEA, Special Education, High Cost Categorical Aid, and Medicaid School-Based Services	Medicaid School-Based Services

5. What are the advantages and disadvantages of nursing care through a third party?

One advantage to the school district obtaining the nursing service through a third party is that it saves time since the organization or

family completes the hiring process of the nurse. A third party agency can often provide back-up nurses in situations where the regular nurse is unavailable. Often families prefer this model because they have more control over the nurse's credentials and skills. The nurse may also have an existing relationship with the student and family outside of the school day adding to the family's comfort level with the nursing care. There is continuity of nursing care between the home and the school. The disadvantages of contracted nursing services include: inability to provide care for other students, inability to use special education and categorical aid for partial funding, the lack of involvement of the nurse in the student's educational needs, and the lack of direct accountability to school personnel for the nursing care.

6. What documentation is recommended to outline the role and responsibilities of third party nursing services?

The responsibilities of the third party nursing services should be documented either in a contract or memorandum of understanding.

This document should include the following elements:

- specific nursing services to be provided;
- contingency for back up of nursing service coverage;
- nursing liability coverage;
- nurse's participation in educational and evaluation meetings;
- confidentiality; and
- communication between nurses, medical provider, school educational staff, family, and other community health providers.

Since both the individualized education program (IEP) and memorandum of understanding (MOU) are legal documents, attention should be paid to duplication of responsibilities and discrepancy in language between documents. School districts are encouraged to utilize their legal services in drafting the MOU or contract to review contractual and liability issues as well as fulfillment of IEP requirements.

7. Where in the student's IEP should the nursing services be documented?

The need for nursing services should be documented in the present level of performance and the related service sections of the IEP.

The school district may want to add consultative services of the school nurse in the program modification and support section of the individual educational program to address the school nurse's consultation with the educational team regarding the impact of the child's health on their ability to learn. A third party nursing service agent can serve as a participant during an individual educational program evaluation. The IEP should include:

- nursing services necessary to benefit from an education;
- consultation between the nurse, school nurse, and teachers; and
- the nurse’s involvement in the student’s educational program.

8. What are the funding mechanisms available to school districts to recover some costs of providing nursing services in the school?

For all the following funding mechanisms to apply, school districts must document nursing as a related service in the student’s individual education program.

1. Medicaid School-Based Services

Reimbursement for nursing services delivered at school for Medicaid-eligible students are billed to private insurance and Medicaid. If the student is preauthorized to receive at least eight hours of nursing services a day, then the student may qualify for Medicaid-covered private duty nursing. The nursing services do not have to be “continuous,” but the child must have a need for more continuous nursing services than can be provided on a part-time or intermittent basis. Authorization for private duty nursing does not preclude a child from receiving nursing services in school. However, if a child is receiving nursing services from the school, the certified private duty nursing provider should not bill for services at the same time the child receives nursing services from the school.

Only Medicaid-certified “private duty” nursing services providers (home health agencies and nurses in independent practice) may bill Medicaid-covered, preauthorized “private duty” nursing services. School districts will have to check with the private insurance companies for their requirements.

Private insurance may also cover nursing services. The qualifications for private insurance coverage varies by policy and may not be the same as for Medicaid, i.e., at least eight hours per day of skilled nursing needed.

School districts must determine the nursing needs necessary for the student to receive a free, appropriate public education through the individual education program. The school can bill for these nursing services for a Medicaid-eligible student through Medicaid School-Based Nursing Service. However, the school and third party

nursing agent cannot both bill for the same nursing services for the same student during the same school day.

Wisconsin Medicaid covers delegated nursing under school-based services (Wis. Admin. Code sec. DHS, 107.36 (1) (e)). If the student requires nursing service, the student may access nursing service from unlicensed school personnel as delegated nursing acts according to Wis. Admin. Code sec. N 6. For example, a school aide could provide to the same child Medicaid-covered “attendant care” services and “nursing services” in addition to aide services that are not covered under Medicaid. Home health services are not a school-based service.

2. Special Education Categorical Aid

School districts are eligible to receive special education categorical aid for nursing provided by school nurses, including special needs nurses. School districts can claim state special education categorical aid at a rate of 29 percent of a school nurse salary and fringe benefit as certified costs eligible for reimbursement. School districts are not allowed to receive special education categorical aid reimbursement for contracted services through third party nursing services. Additional information regarding special education categorical aid is available at: <http://dpi.wi.gov/sfs/cataid.html>.

3. High Cost Special Education Aid

For students with complex medical needs, the school district may be able to seek reimbursement through the DPI’s High Cost Special Education Aid. Eligible costs under the program include all costs (except secretarial and administrative) related to educating a student with high cost special education needs. IDEA flow-through funds, Medicaid, and special education categorical aids are deducted first. Reimbursement is then calculated at 90 percent of the amount by which the total cost after deductions, to provide special education and related services to an individual child, exceeds \$30,000. Information regarding High Cost Special Education Aid is available at: http://dpi.wi.gov/sfs/highcost_background.html.

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