



Nurse Staffing in Oregon Schools

Guidance provided by the School Health Specialist at the Oregon Department of Education and the State School Nurse Consultant within the Public Health Division of the Oregon Health Authority

SUMMARY

OAR 581-015-2000, Special Education, requires districts to provide 'school health services and school nurse services' as part of the 'related services' in order 'to assist a child with a disability to benefit from special education'.

OAR 581-021-0200, Standard Education for Oregon Students, lists 'providing health services' as a requirement of support services necessary to provide a standard education for Oregon students.

OAR 581-022-2220, Health Services, directs districts to maintain a prevention oriented health services program for all students.

ORS 342.455 defines a 'school nurse' as a registered nurse certified by the Teacher Standards and Practice Commission (TSPC) as qualified to conduct and coordinate the health services programs of a school.

BACKGROUND

The structure of school nurse staffing varies across the state based on local priorities and interpretation of law. This guidance is created to assist districts to be compliant with Oregon and Federal laws regarding the delivery of school nurse services in the school setting.

	Registered Nurse (RN)	Licensed Practical Nurse (LPN)	Unlicensed Assistive Personnel (UAP)
Examples (in schools)			Anyone other than a licensed RN or LPN.
Individualized Healthcare Plan	The RN may create a comprehensive nursing care plan as a result of the RN's comprehensive assessment.	The LPN is not allowed to create a comprehensive nursing care plan and has no legal authority to engage in nursing practice without a RN-authored nursing care plan.	UAP do not create nursing care plans. The UAP may perform certain interventions within the nursing care plan at the direction of the RN.
Delegation of the performance of nursing procedures to UAP	The RN may consider delegation per OAR 851-045-0060(11) and OAR 851-047-0000 to 851-047-0030.	The LPN has no authority to delegate to UAP. The LPN may perform nursing procedures directly for a student when a RN has assigned those procedures to the LPN.	UAP may be delegated by a RN to perform a nursing procedure for a specific student.
Assessment	The RN completes a comprehensive nursing assessment of a student.	The LPN may complete a focused nursing assessments if assigned to do so by a RN.	UAP are not allowed to perform nursing assessments.

504/IEP	The RN consults with education staff on the health needs of students.	The LPN implements portions of the 504/IEP under the clinical direction and supervision of a RN.	UAP implement portions of a 504/IEP under the supervision and direction of the RN or LPN.
Legal description	RN: The application of knowledge drawn from broad in-depth education in the social and physical sciences in assessing, planning, ordering, giving, delegating, teaching and supervising care which promotes the person's optimum health and independence.	LPN: The application of knowledge drawn from basic education in the social and physical sciences in planning and giving nursing care and in assisting persons toward achieving of health and well-being	UAP: A person who holds a job, position, or role within the client health care team where the individual is not required to be licensed or certified by a state of Oregon health-related licensing body.
Independent Practice?	Yes, within the guidelines of the Oregon Nurse Practice Act and employer policies/procedures	No. The LPN practices under the clinical direction and supervision of a RN.	No. UAP can only perform nursing tasks under the supervision/direction of a nurse.
Scope of Practice	The RN performs a variety of roles, including, but not limited to: (a) Provision of client care; (b) Clinical direction and clinical supervision of others in the provision of care; (c) Nursing education; (d) Case management; (e) Teaching health care providers.	The LPN performs a variety of roles, including, but not limited to: (a) Provision of client care; (b) Supervision of others in the provision of care; (c) Teaching health care providers.	Per ORS 678.021 , it shall be unlawful for any person to practice nursing unless the person is licensed under ORS 678.010 to 678.410.

- Even though a Certified Nursing Assistant (CNA) has additional training and certification, they are still considered an UAP in the school setting.
- A doctor or parent is not legally allowed to delegate nursing tasks to UAPs.

RATIONALE

ODE, OHA, the Oregon State Board of Nursing, and the Oregon Board of Pharmacy all have laws that impact the provision of health services in the school setting. Districts may be at a higher liability risk if they do not comply with these laws, and individual professionals can be at risk of violating their scope of practice if they are asked to perform tasks outside of their expertise, education, and licensure requirements. A RN is the only professional qualified to determine the health needs of students in the school setting.

CONCLUSION

School Nurse Services can be provided in schools by various school personnel or contracted staff. It is important that districts understand the scope of practice of these positions to ensure that districts are meeting the expectations of the law and that the licensee is meeting the requirements of their license.