

HOUSE BILL No. 4869

May 28, 1991, Introduced by Rep. Keith and referred to the Committee on Education.

A bill to amend section 1178 of Act No. 451 of the Public Acts of 1976, entitled as amended

"The school code of 1976,"

being section 380.1178 of the Michigan Compiled Laws; and to add section 1179.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1178 of Act No. 451 of the Public Acts
2 of 1976, being section 380.1178 of the Michigan Compiled Laws, is
3 amended and section 1179 is added to read as follows:

4 Sec. 1178. A school administrator, teacher, or other
5 school employee designated by the school administrator AND AUTHO-
6 RIZED UNDER SECTION 1179, who in good faith administers ORAL med-
7 ication to a pupil in the presence of another adult pursuant to
8 written permission of the pupil's parents or guardian and in
9 compliance with the instructions of a physician, WHO PERFORMS A

1 MEDICAL PROCEDURE FOR A PUPIL UNDER SECTION 1179, OR WHO ASSISTS
2 IN A MEDICAL EMERGENCY INVOLVING A PUPIL, is not liable in a
3 criminal action or for civil damages as a result of ~~the~~
4 ~~administration~~ THOSE ACTIVITIES except for an act or omission
5 amounting to gross negligence or ~~wilful~~ WILLFUL and wanton
6 misconduct.

7 SEC. 1179. (1) IF A PUPIL WITH MEDICAL NEEDS IS ENROLLED IN
8 A SCHOOL OR PROGRAM IN A SCHOOL DISTRICT, LOCAL ACT SCHOOL DIS-
9 TRICT, OR INTERMEDIATE SCHOOL DISTRICT, ALL OF THE FOLLOWING
10 APPLY:

11 (A) A SCHOOL EMPLOYEE SHALL NOT PERFORM A MEDICAL PROCEDURE
12 ON THE PUPIL UNLESS THE EMPLOYEE IS LICENSED OR OTHERWISE AUTHO-
13 RIZED TO PERFORM THE PROCEDURE UNDER ARTICLE 15 OF THE PUBLIC
14 HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING
15 SECTIONS 333.16101 TO 333.18838 OF THE MICHIGAN COMPILED LAWS,
16 AND IS AUTHORIZED TO PERFORM THE PROCEDURE UNDER SUBSECTION (3)
17 OR STATE BOARD RULE PROMULGATED UNDER SUBSECTION (5).

18 (B) IF ORAL MEDICATION IS ADMINISTERED TO THE PUPIL, IT
19 SHALL BE ADMINISTERED ONLY BY A SCHOOL EMPLOYEE LICENSED UNDER
20 ARTICLE 15 OF ACT NO. 368 OF THE PUBLIC ACTS OF 1978, TEACHER, OR
21 SCHOOL ADMINISTRATOR AND SHALL BE ADMINISTERED IN ACCORDANCE WITH
22 SECTION 1178.

23 (C) IF AN INVASIVE MEDICAL PROCEDURE IS PERFORMED ON THE
24 PUPIL, IT SHALL BE PERFORMED IN A DESIGNATED AREA THAT MEETS GEN-
25 ERALLY ACCEPTED STANDARDS OF CLEANLINESS AND STERILITY FOR THE
26 PERFORMANCE OF INVASIVE MEDICAL PROCEDURES AND THAT IS AWAY FROM
27 THE EDUCATIONAL SETTING.

1 (D) THE DISTRICT SHALL ENSURE THAT A REGISTERED NURSE IS ON
2 DUTY IN THE SCHOOL BUILDING AT ALL TIMES WHEN THE PUPIL IS
3 PRESENT IN THE SCHOOL BUILDING. SUBJECT TO SUBSECTIONS (3) AND
4 (4), THE REGISTERED NURSE SHALL DO ALL OF THE FOLLOWING:

5 (i) BE AVAILABLE AT ALL TIMES TO SUPERVISE THE PERFORMANCE
6 OF NECESSARY MEDICAL PROCEDURES AND TO ASSUME RESPONSIBILITY IF
7 THERE IS A MEDICAL EMERGENCY.

8 (ii) SUPERVISE THE USE OF ANY SPECIAL MEDICAL EQUIPMENT THE
9 PUPIL NEEDS.

10 (iii) MAINTAIN AND KEEP CURRENT MANUALS PRESCRIBING PROTO-
11 COLS FOR MEDICAL PROCEDURES THAT MAY BE NECESSARY FOR THE PUPILS
12 WITH MEDICAL NEEDS ENROLLED IN THE SCHOOL.

13 (iv) DEVELOP AND IMPLEMENT PROCEDURES TO BE FOLLOWED BY
14 SCHOOL PERSONNEL FOR A MEDICAL EMERGENCY INVOLVING A PUPIL WITH
15 MEDICAL NEEDS.

16 (v) PROVIDE OR SUPERVISE IN-SERVICE TRAINING FOR SCHOOL PER-
17 SONNEL WHO ARE QUALIFIED TO PERFORM MEDICAL PROCEDURES UNDER
18 SUBDIVISION (A).

19 (vi) ENSURE THAT ALL MEDICAL EQUIPMENT MAINTAINED AT THE
20 SCHOOL IS IN PROPER WORKING CONDITION AT ALL TIMES AND TAKE NEC-
21 ESSARY STEPS FOR REPAIR OR REPLACEMENT OF DEFECTIVE EQUIPMENT.

22 (vii) MAINTAIN REGULAR CONTACT WITH THE PUPIL'S PHYSICIAN
23 AND INFORM SCHOOL PERSONNEL OF ANY CHANGE IN THE PUPIL'S MEDICAL
24 CONDITION.

25 (viii) PARTICIPATE IN THE INDIVIDUALIZED EDUCATIONAL PLAN-
26 NING COMMITTEE APPOINTED FOR THE PUPIL UNDER R 340.1721B OF THE
27 MICHIGAN ADMINISTRATIVE CODE.

1 (E) IF THE PUPIL REQUIRES SPECIAL MEDICAL EQUIPMENT, THE
2 EQUIPMENT SHALL BE AVAILABLE AT THE SCHOOL BUILDING AND APPROPRI-
3 ATE SCHOOL PERSONNEL SHALL BE INFORMED OF THE NEED FOR THE EQUIP-
4 MENT BEFORE THE PUPIL'S ADMISSION.

5 (2) IF A PUPIL HAS AN INFECTIOUS OR CONTAGIOUS MEDICAL CON-
6 DITION, THE PUPIL'S PARENT OR LEGAL GUARDIAN SHALL NOTIFY SCHOOL
7 PERSONNEL OF THE EXISTENCE OF THE CONDITION AND THE PUPIL SHALL
8 NOT ATTEND SCHOOL UNTIL THE CONDITION IS NO LONGER INFECTIOUS OR
9 CONTAGIOUS OR THE PUPIL'S PHYSICIAN STATES IN WRITING THAT THE
10 PUPIL MAY RETURN TO SCHOOL.

11 (3) THE ONLY SCHOOL PERSONNEL AUTHORIZED TO PERFORM THE MED-
12 ICAL PROCEDURES LISTED IN THIS SUBSECTION FOR PUPILS WITH MEDICAL
13 NEEDS ARE THOSE THAT MEET AT LEAST THE LEVEL OF QUALIFICATION
14 DESIGNATED FOR THE PARTICULAR PROCEDURE, AS FOLLOWS:

15 (A) ACTIVITIES OF DAILY LIVING:

16 (i) TOILETTING OR DIAPERING, OR BOTH: SPECIAL EDUCATION
17 PARAPROFESSIONAL.

18 (ii) BOWEL OR BLADDER TOILET TRAINING: TEACHER OR SPECIAL
19 EDUCATION PARAPROFESSIONAL.

20 (iii) DENTAL HYGIENE: INDIVIDUAL TRAINED IN DENTAL
21 HYGIENE.

22 (iv) ORAL HYGIENE: TEACHER OR SPECIAL EDUCATION
23 PARAPROFESSIONAL.

24 (v) LIFTING OR POSITIONING: TEACHER OR SPECIAL EDUCATION
25 PARAPROFESSIONAL.

26 (B) NUTRITION:

1 (i) NUTRITION ASSESSMENT: INDIVIDUAL TRAINED IN NUTRITION
2 ASSESSMENT.

3 (ii) ORAL-MOTOR ASSESSMENT: SPEECH OR LANGUAGE PATHOLOGIST
4 WITH STATE BOARD APPROVAL, PHYSICAL THERAPIST LICENSED UNDER PART
5 178 OF ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING
6 SECTIONS 333.17801 TO 333.17822 OF THE MICHIGAN COMPILED LAWS, OR
7 CERTIFIED OCCUPATIONAL THERAPIST OR CERTIFIED OCCUPATIONAL THER-
8 APY ASSISTANT REGISTERED UNDER PART 183 OF ACT NO. 368 OF THE
9 PUBLIC ACTS OF 1978, BEING SECTIONS 333.18301 TO 333.18311 OF THE
10 MICHIGAN COMPILED LAWS.

11 (iii) ORAL FEEDING: SPECIAL EDUCATION PARAPROFESSIONAL.

12 (iv) NASOGASTRIC FEEDING, GASTROSTOMY FEEDING, OR JEJUNOS-
13 TOMY TUBE FEEDING: REGISTERED NURSE, OR LICENSED PRACTICAL NURSE
14 OR HEALTH AIDE TRAINED IN THE PARTICULAR TYPE OF FEEDING AND
15 ACTING UNDER THE SUPERVISION OF A REGISTERED NURSE.

16 (v) MONITORING OF NASOGASTRIC FEEDING, GASTROSTOMY FEEDING,
17 OR JEJUNOSTOMY TUBE FEEDING: INDIVIDUAL TRAINED TO MONITOR THE
18 PARTICULAR TYPE OF FEEDING.

19 (vi) INTRAVENOUS OR OTHER PARENTERAL FEEDING: REGISTERED
20 NURSE, OR LICENSED PRACTICAL NURSE OR HEALTH AIDE TRAINED IN THE
21 PARTICULAR TYPE OF PARENTERAL FEEDING AND ACTING UNDER THE SUPER-
22 VISION OF A REGISTERED NURSE.

23 (vii) MONITORING OF INTRAVENOUS OR OTHER PARENTERAL
24 FEEDING: INDIVIDUAL TRAINED TO MONITOR THE PARTICULAR TYPE OF
25 FEEDING.

26 (viii) NASOGASTRIC TUBE INSERTION OR REMOVAL OR GASTROSTOMY
27 TUBE REINSERTION: REGISTERED NURSE, OR LICENSED PRACTICAL NURSE

1 TRAINED TO PERFORM THE PROCEDURE AND ACTING UNDER THE SUPERVISION
2 OF A REGISTERED NURSE.

3 (C) CATHETERIZATION:

4 (i) CLEAN INTERMITTENT CATHETERIZATION OR STERILE

5 CATHETERIZATION: REGISTERED NURSE, OR LICENSED PRACTICAL NURSE
6 TRAINED IN THE PROCEDURE AND ACTING UNDER THE SUPERVISION OF A
7 REGISTERED NURSE.

8 (ii) CREDE: HEALTH AIDE TRAINED IN THE PROCEDURE AND ACTING
9 UNDER THE SUPERVISION OF A REGISTERED NURSE.

10 (iii) EXTERNAL CATHETER OR CARE OF INDWELLING CATHETER:
11 REGISTERED NURSE, OR LICENSED PRACTICAL NURSE OR HEALTH AIDE WITH
12 APPROPRIATE TRAINING ACTING UNDER THE SUPERVISION OF A REGISTERED
13 NURSE.

14 (D) MEDICAL SUPPORT SYSTEMS:

15 (i) MONITORING VENTRICULAR PERITONEAL SHUNT: REGISTERED
16 NURSE.

17 (ii) MONITORING MECHANICAL VENTILATOR OR HANDLING EQUIPMENT
18 FAILURE OF A VENTILATOR: REGISTERED NURSE, OR LICENSED PRACTICAL
19 NURSE TRAINED IN MONITORING THE PARTICULAR TYPE OF VENTILATOR AND
20 ACTING UNDER THE SUPERVISION OF A REGISTERED NURSE.

21 (iii) ADMINISTERING INTERMITTENT OXYGEN: REGISTERED NURSE,
22 OR LICENSED PRACTICAL NURSE TRAINED IN ADMINISTERING OXYGEN AND
23 ACTING UNDER THE SUPERVISION OF A REGISTERED NURSE.

24 (iv) MONITORING CONTINUOUS OXYGEN: INDIVIDUAL WITH APPRO-
25 PRIATE TRAINING.

26 (v) CARE OR USE OF HICKMAN OR BROVIAC CATHETER OR SIMILAR
27 DEVICE USED FOR INTRAVENOUS ACCESS SITES: REGISTERED NURSE, OR

1 LICENSED PRACTICAL NURSE TRAINED IN THE PROCEDURE AND ACTING
2 UNDER THE SUPERVISION OF A REGISTERED NURSE.

3 (vi) PERITONEAL DIALYSIS: REGISTERED NURSE, OR LICENSED
4 PRACTICAL NURSE TRAINED IN THE PROCEDURE AND ACTING UNDER THE
5 SUPERVISION OF A REGISTERED NURSE.

6 (vii) APNEA MONITOR: INDIVIDUAL WITH APPROPRIATE TRAINING.

7 (E) MEDICATION BY INJECTION, EPI-PEN ALLERGY KIT, INHALA-
8 TION, RECTAL, BLADDER INSTALLATION, EYE OR EAR DROPS, PRESCRIBED
9 TOPICAL APPLICATION, NASOGASTRIC TUBE, GASTROSTOMY TUBE, INTRAVE-
10 NOUS, OR SPIROMETER: REGISTERED NURSE, OR LICENSED PRACTICAL
11 NURSE TRAINED IN THE PROCEDURE AND ACTING UNDER THE SUPERVISION
12 OF A REGISTERED NURSE.

13 (F) OSTOMY CARE OR IRRIGATION: REGISTERED NURSE, OR
14 LICENSED PRACTICAL NURSE TRAINED IN THE PROCEDURE AND ACTING
15 UNDER THE SUPERVISION OF A REGISTERED NURSE.

16 (G) RESPIRATORY ASSISTANCE:

17 (i) POSTURAL DRAINAGE OR PERCUSSION: REGISTERED NURSE, OR
18 LICENSED PRACTICAL NURSE TRAINED IN THE PROCEDURE AND ACTING
19 UNDER THE SUPERVISION OF A REGISTERED NURSE.

20 (ii) PHARYNGEAL SUCTIONING OR TRACHEOSTOMY SUCTIONING OR
21 CLEANING: REGISTERED NURSE, OR LICENSED PRACTICAL NURSE TRAINED
22 IN THE PROCEDURE AND ACTING UNDER THE SUPERVISION OF A REGISTERED
23 NURSE.

24 (H) SCREENINGS:

25 (i) GROWTH, VITAL SIGNS, VISION, OR SCOLIOSIS: REGISTERED
26 NURSE, OR LICENSED PRACTICAL NURSE TRAINED IN THE SCREENING AND
27 ACTING UNDER THE SUPERVISION OF A REGISTERED NURSE.

1 (ii) HEARING: REGISTERED NURSE, SPEECH OR LANGUAGE
2 PATHOLOGIST WITH STATE BOARD APPROVAL, OR LICENSED PRACTICAL
3 NURSE TRAINED IN HEARING SCREENING AND ACTING UNDER THE SUPERVI-
4 SION OF A REGISTERED NURSE.

5 (I) COLLECTING OR GLUCOSE TESTING OF BLOOD OR URINE: REGIS-
6 TERED NURSE, OR LICENSED PRACTICAL NURSE TRAINED IN THE PROCEDURE
7 AND ACTING UNDER THE SUPERVISION OF A REGISTERED NURSE.

8 (J) SEIZURE PROCEDURES: INDIVIDUAL WITH APPROPRIATE
9 TRAINING.

10 (K) SOAKS: REGISTERED NURSE, OR LICENSED PRACTICAL NURSE
11 TRAINED IN THE PROCEDURE AND ACTING UNDER THE SUPERVISION OF A
12 REGISTERED NURSE.

13 (L) STERILE DRESSINGS: REGISTERED NURSE.

14 (M) DEVELOPMENT OF HEALTH CARE PROCEDURE PROTOCOLS, EMER-
15 GENCY PROTOCOLS, INDIVIDUAL EDUCATION PLAN HEALTH OBJECTIVES, OR
16 NURSING CARE PLAN: REGISTERED NURSE.

17 (4) SCHOOL PERSONNEL SHALL NOT DO ANY OF THE FOLLOWING:

18 (A) PERFORM IRRIGATION OF AN INDWELLING CATHETER ON A
19 PUPIL.

20 (B) ADJUST A VENTILATOR.

21 (C) APPLY A NONPRESCRIPTION TOPICAL MEDICATION TO A PUPIL
22 UNLESS THE MEDICATION IS REQUESTED AND PROVIDED BY THE PUPIL'S
23 PARENT OR LEGAL GUARDIAN.

24 (D) PUMP A VENTRICULAR PERITONEAL SHUNT UNLESS IT IS
25 REQUIRED BY MEDICAL EMERGENCY, IS PERFORMED BY A REGISTERED NURSE
26 OR LICENSED PRACTICAL NURSE WITH TRAINING IN THE PROCEDURE, AND A
27 PHYSICIAN IS NOT AVAILABLE.

1 (E) REPLACE A TRACHEOSTOMY TUBE UNLESS IT IS REQUIRED BY A
2 MEDICAL EMERGENCY AND IS PERFORMED BY A REGISTERED NURSE OR
3 LICENSED PRACTICAL NURSE WITH TRAINING IN THE PROCEDURE.

4 (5) AS ADDITIONAL EXPERIENCE IS GAINED WITH SCHOOL
5 ATTENDANCE BY PUPILS WITH MEDICAL NEEDS, THE STATE BOARD SHALL
6 PROMULGATE RULES TO DESIGNATE THE APPROPRIATE SCHOOL PERSONNEL TO
7 PERFORM MEDICAL PROCEDURES OTHER THAN THOSE LISTED IN
8 SUBSECTION (3) THAT ARE PERIODICALLY NECESSARY IN THE SCHOOLS AND
9 MAY PROMULGATE RULES PROHIBITING SCHOOL PERSONNEL FROM ENGAGING
10 IN ACTIVITIES IN ADDITION TO THOSE LISTED IN SUBSECTION (4).

11 (6) AS USED IN THIS SECTION:

12 (A) "HEALTH AIDE" MEANS AN INDIVIDUAL APPROVED BY THE STATE
13 BOARD TO ASSIST IN THE HEALTH CARE OF PUPILS.

14 (B) "LICENSED PRACTICAL NURSE" MEANS AN INDIVIDUAL LICENSED
15 TO ENGAGE IN THE PRACTICE OF NURSING AS A LICENSED PRACTICAL
16 NURSE UNDER PART 172 OF ACT NO. 368 OF THE PUBLIC ACTS OF 1978,
17 BEING SECTIONS 333.17201 TO 333.17242 OF THE MICHIGAN COMPILED
18 LAWS.

19 (C) "PUPIL WITH MEDICAL NEEDS" MEANS THAT THE PUPIL HAS 1 OR
20 MORE MEDICAL CONDITIONS THAT MAY PERIODICALLY BE LIFE-THREATENING
21 AND THAT REQUIRE ONGOING MEDICAL SERVICES FROM MEDICALLY TRAINED
22 PERSONNEL, SPECIAL MEDICAL EQUIPMENT, OR TECHNOLOGICAL INTERVEN-
23 TIONS, OR A COMBINATION OF THOSE.

24 (D) "REGISTERED NURSE" MEANS AN INDIVIDUAL LICENSED AS A
25 REGISTERED PROFESSIONAL NURSE UNDER PART 172 OF ACT NO. 368 OF
26 THE PUBLIC ACTS OF 1978.