

Professional Qualifications for Practice as a Professional School Nurse in New York State

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Background

In this era of budgetary constraints, Boards of Education throughout New York State are challenged to demonstrate responsible stewardship of taxpayer funds through thoughtful allocation of scarce fiscal resources to programs and services which provide demonstrated positive outcomes for New York's students.

One cost-saving solution increasingly being considered by school boards is the replacement of the registered professional school nurse (RN) with a Licensed Practical Nurse (LPN). School nurses will be called upon with increasing frequency to educate the decision-makers and stakeholders in their districts on the distinction between the RN and the LPN scope of practice, and the implications this distinction has on the provision of safe and effective school nursing services.

Expanded Clinical Roles in the New Health Care Environment

The general public is understandably confused about the differences between the RN and the LPN role. This is due to the similarities between the two roles. Both the RN and the LPN require licensure for practice, and they both share the title 'nurse'. Many people are familiar with the LPNs employed as the nurse in primary care offices. LPNs are a vital and valued member of the healthcare team, and, as healthcare is increasingly coordinated across the continuum with the new focus on population health, more and more LPNs will be working to the top of their licenses in health care teams in diverse health care settings.¹

¹ Institute of Medicine of the National Academies (2010): The Future of Nursing Leading Change, Advancing Health Report Recommendations. Available at:
<https://iom.nationalacademies.org/~media/Files/Report%20Files/2010/The-Future-of-Nursing/Future%20of%20Nursing%202010%20Recommendations.pdf> # #
<http://www.op.nysed.gov/prof/nurse/article139.htm> #
<http://www.p12.nysed.gov/sss/schoolhealth/schoolhealthservices/Section136-1.html>#
<http://www.op.nysed.gov/prof/nurse/nursebroch.htm> # Maughan, E. (2003). The impact of school nursing on sc

The Distinction between the RN and the LPN Role

There are fundamental differences between the education and scope of practice of the LPN and the RN. These differences are articulated in New York's Nurse Practice Act.² In addition, NYSED's Office of the Professions has provided a practice information memo clarifying the differentiated scope of practice of Licensed Practical Nurses and Registered Professional Nurses.³

The RN has both a dependent scope and an independent scope of practice, while the LPN has a dependent scope of practice. The following paragraphs explain the issues in greater depth:

RN Scope of Practice

The RN is educated and licensed as an independent practitioner in the practice of professional nursing. The RN is also a dependent practitioner authorized by licensure to implement the medical regimen prescribed by practitioners authorized by licensure to direct the practice of the RN. Furthermore, in New York State, the title *school nurse* is protected by law; this means that an individual may not use the protected title '*school nurse*' unless that individual is licensed in New York State as a registered professional nurse.⁴

The role of the registered professional school nurse as an independent practitioner is multifaceted. In addition to case management and care planning services, registered professional school nurses provide assessment and first aid to students who are injured or become ill during the school day. Under New York's Nurse Practice Act, assessment, like care planning, may only be provided by the registered professional nurse as it involves the exercise of professional judgment, in addition to technical nursing skills. According to NYSED's Office of the Professions, a registered professional nurse may:

² New York Education Law, Article 139 Nursing. Available at:
<http://www.op.nysed.gov/prof/nurse/article139.htm>

³ NYSED: Office of the Professions: Practice Information: *The Differentiated Scope of Practice of Licensed Practical Nurses (LPNs) and Registered Professional Nurses (RNs)*. Available at:
<http://www.op.nysed.gov/prof/nurse/nurse-scope-lpn-rn.htm>

⁴ New York: Commissioners Regulations, CR 136.1, c. Available at:
<http://www.p12.nysed.gov/sss/schoolhealth/schoolhealthservices/Section136-1.html>

- perform health assessments;
- diagnose and treat a patient's unique responses to diagnosed health problems;
- teach and counsel patients about their health;
- execute medical regimens as prescribed by licensed physicians, dentists, nurse practitioners, physician assistants, and podiatrists; and
- contribute as a member of interdisciplinary health care teams and health related committees to plan and implement health care.⁵

LPN Scope of Practice

The LPN is limited by licensure to dependent practice with a focus on the performance of skilled nursing tasks and procedures. An LPN may only function under the direct supervision of a NYS licensed provider authorized to direct LPN practice. According to the NYS Office of the Professions: "A licensed practical nurse (LPN) is a licensed health care practitioner who provides nursing care under the direction of an RN, CNS, NP, midwife, physician, physician assistant, specialist assistant, dentist or podiatrist."⁶

According to NYSED's office of the Professions, a licensed practical nurse may:

- provide skilled nursing care tasks and procedures under the direction of an RN, nurse practitioner, clinical nurse specialist, physician, or other authorized health care provider.

LPN's are a valued part of the school health team; they have a vital role in supporting school health services. However, because of their limited scope of practice an LPN may not function independently as a school nurse. For example:

- The LPN may not be titled or identified as a "School Nurse."
- The LPN is required to be in constant telephone contact with the supervising RN, Nurse Practitioner or Physician. The supervising professional must be able to

⁵ NYSED (2009) Student Support Services: "Use of Licensed Practical Nurses and the Term "School Nurse" in School Settings". Available at:
<http://www.p12.nysed.gov/sss/schoolhealth/schoolhealthservices/schoolnursememo.html>

⁶ *Op cit.* n. 2

provide the LPN with onsite assistance within a reasonable time frame.

- The LPN is required to consult with an RN about every student who presents in the Health Office for illness or injury since assessment and triage is outside the LPN's scope of practice.
- Similarly, while LPNs may administer medications or administer nursing treatments under the direction of the RN, they must review all 'as needed' medications – including emergency rescue medications for asthma and seizures - with the registered professional school nurse prior to administration as assessment is not within their scope of practice.
- The LPN may not review the health certificates for the medical director.
- The LPN may not create a Health Care Plan or educate staff utilizing the Health Care Plan.⁷

The Evidence-base for Registered Professional School Nurses

While the performance of skilled nursing tasks and procedures are a vital part of school nursing services, the evidence consistently demonstrates that it is professional nursing services which keep students in school, at their desks ready to learn. These professional services include assessment, so essential to the school nurse role and instrumental to the school nurse's ability to determine whether a student can safely remain in school; care planning, essential to providing a safe school environment for students with chronic health conditions, are professional nursing activities limited by licensure to the registered professional school nurse.

There is an abundance of research which demonstrates that students with full-time professional school nurses had fewer school absences than those without full-time professional school nurses.⁸ Chronic illness management is one professional nursing service which may not be delegated to an LPN, and this is an area where professional school nurses significantly impact student success.⁹

⁷ *Op cit* n.2

⁸ Maughan, E. (2003). The impact of school nursing on school performance: A research synthesis. *Journal of School Nursing*, 19, 163-171.

⁹ Taras, H., Wright, S., Brennan, J., Campana, J. & Lofgren, R. (2004) Impact of school nurse

Pediatric asthma, one of the leading causes of school absenteeism, has been climbing steadily over the past 20 years.¹⁰ Poorly managed asthma with resultant school absences can negatively affect student academic performance. In one study, it was demonstrated that students with asthma in schools with a full-time professional school nurse missed 23% fewer days of school compared to those in schools with part-time school nurses.¹¹

High absenteeism rates are associated with reading problems, learning and behavior problems and grade retention. Attendance is a predictor of both school drop-out and student achievement.¹² Student attendance rates affect student learning and performance; in addition, attendance rates also affect school district revenues as the NYSED state aid formula takes average daily attendance counts into consideration for the purposes of allocating state aid.^{13 14}

Risk Management Considerations

Federal law guarantees anti-discrimination and equal protection to individuals with

case management on students with asthma. *Journal of School Health*, 74, 213-219.# Taras, H., Wright S.,

¹⁰ Akinbami, L.J. 'The State of Childhood Asthma, United States, 1980-2005', Advance Data from Vital and Health Statistics; no. 381, Hyattsville, MD: National Center for Health Statistics. 2006. Available at: <http://www.cdc.gov/nchs/data/ad/ad381.pdf>

¹¹ Telljohann, S. K., Dake, J. A., & Price, J. H.,(2004). Effect of fulltime versus part-time school nurses on attendance of elementary students with asthma. *Journal of School Nursing*, 20, 331–334.

¹² Romero, M. & Lee, Y. (2007) A National Portrait of Chronic Absenteeism in the Early Grades. New York: The National Center for Children in Poverty

¹³ Stiefel, L., Schwartz, A. E., Berne, R., & Chellman, C., C. (2005). School Finance Court Cases and Disparate Racial Impact, The Contribution of Statistical Analysis in New York. *Education and Urban Society* 37 (2) 151-173

¹⁴ The University of the State of New York, The State Education Department: 2014-2015 State Aid Handbook (2015). Available at: https://stateaid.nysed.gov/publications/handbooks/handbook_2014.pdf

disabilities.¹⁵ Schools are required to provide 'related services' including professional nursing services as part of a child's Individualized Education Plan.¹⁶ IDEA requires that related services are provided by qualified personnel.¹⁷ An LPN is not qualified by licensure to provide assessment and care planning - related services which are essential to the safe management of a chronic medical condition in the school setting. Failure to provide related services may result in the filing of a formal complaint against the school district to the US Department of Education's Office of Civil Rights.¹⁸

Professional Licensure Considerations

The NYSED Office of the Professions *Nursing Guide to Practice*, states that inappropriate use of LPNs may expose the delegating RN to potential charges of unprofessional conduct for inappropriate delegation of professional responsibilities, and the LPN to a charge of acting outside the scope of nursing as a Licensed Practical Nurse.¹⁹

Conclusion

The Registered Professional School Nurse is the only professional prepared through education and licensure to independently provide comprehensive professional school nursing services.

¹⁵ 29 U.S.C. §794 (Section 504).

¹⁶ 34 C.F.R. §300.34

¹⁷ 20 U.S.C. 1412(a)(14)

¹⁸ U.S. Department of Education (2015): *Protecting Students with Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities*. Available at: <http://www2.ed.gov/about/offices/list/ocr/504faq.html>

¹⁹ Office of the Professions: New York State Education Department (2009) *Nursing Guide to Practice*. p. 36 - 37 <http://www.op.nysed.gov/prof/nurse/nurse-guide-april09.pdf>