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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
55th Legislature, 1st Session, 2021

Bill Number	<u>HB32</u>	Sponsor	<u>Sariñana</u>
Tracking Number	<u>.218393.2</u>	Committee Referrals	<u>HEC/HAFC</u>
Short Title	<u>Full-Time Nurse in Every School</u>		
Analyst	<u>Juliani</u>	Original Date	<u>1/25/2021</u>
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BILL SUMMARY

Synopsis of Bill

House Bill 32 (HB32) would require each public school to employ at least one full-time school nurse and would preclude the Public Education Department (PED) from approving any school budget that does not provide such employment unless a waiver has been granted. The bill would allow a waiver for any rural school with less than 250 students, provided the school demonstrates it can effectively meet student health needs by hiring a part-time school nurse or it is not able to hire a qualified nurse or contract with a third party for a qualified nurse because of insufficient availability of qualified nurses in the school's geographic vicinity.

FISCAL IMPACT

HB32 contains an appropriation for \$5 million from the general fund to PED in FY22 to assist public schools with hiring school nurses. Any unexpended or unencumbered balance remaining at the end of the fiscal year will revert to the general fund.

Approximately 300 public schools in the state currently lack a full-time nurse. Neither PED nor the Department of Health (DOH) was able to confirm the exact figure. However, based on school district demographic data, an estimated one-third of these schools are in rural areas with student enrollments smaller than 250, leaving nearly 200 schools subject to the bill's requirements to hire a full-time school nurse.

A July 2020 Program Evaluation from the Legislative Finance Committee indicated the average annual salary in New Mexico for a professional registered nurse was \$71,310 and roughly \$66 thousand in nonmetropolitan areas (outside of Albuquerque, Santa Fe, Farmington, and Las Cruces). However, the New Mexico School Nurses Association (NMSNA) indicated some school nurses currently make roughly \$30 thousand to 35 thousand a year, and an annual salary of \$40 thousand to 50 thousand would be more competitive with salaries in the broader healthcare field.

Based on estimated school nurse salary figures from NMSNA – ranging from \$40 thousand to \$50 thousand and cost of benefits calculated at 30 percent – a nurse with a salary \$40 thousand a year

would cost a school district \$52 thousand a year. At a \$50 thousand salary, this figure would rise to \$65 thousand, including benefits. Reflecting this possible salary range, the total cost to fund a full-time nurse for each of these estimated 200 schools would be between \$10.4 million and \$13 million annually.

HB32's \$5 million appropriation from the general fund to PED in FY22 represents 38 percent to 48 percent of the total projected cost to fund full-time school nurses for all nonexempt schools. Without a full appropriation, any school not qualifying for waiver would be required to find existing funds to pay the costs associated with hiring a school nurse. Schools have some degree of flexibility in supporting this expense because they could hire a school nurse with funds flowing through the at-risk index potentially or with federal CARES Act funds.

The Senate Finance Committee substitute for Senate Bill 377 includes a \$100 thousand appropriation to PED from the general fund to increase the number of school nurses. The House Appropriations and Finance Committee substitute for House Bills 2 and 3 does not include a specific appropriation to PED to assist school districts in hiring a full-time school nurse.

SUBSTANTIVE ISSUES

The Need for School Nurses. A 2016 analysis from the National Association of School Nurses (NASN) found school nurses improve student and school district outcomes, including though improved general health of students and school staff, improved attendance and productivity, and reduced rates of chronic absenteeism and school dropouts. Research has shown school nurses reduce chronic absenteeism by engaging in many daily practices, including providing outreach to students and families to meet their individual needs, helping students and families access needed physical or mental healthcare providers, ensuring students feel safe at school, and providing student and family support during the school day.

According to PED and DOH's *Annual School Health Services Summary Report* for FY19, New Mexico has a statewide ratio of students to school nurses of 620-to-1, meeting NASN's recommendation of 750-to-1. However, many schools and school districts in New Mexico fall significantly short of this recommended threshold. During a presentation to LESC at its November 2020 interim meeting, the president of NMSNA indicated many rural school districts have a student-to-nurse ratio ranging from 800-to-1 to 1,900-to-1. More critically, roughly 300 of the state's public schools currently lack a full-time nurse. These figures aside, one of the biggest problems is the number of school districts that encompass more than one campus but are served by only one school nurse or a school nurse who is part time. Thirty-seven of the 40 school districts and charter schools in the state with at least one full-time school nurse have that nurse serving multiple campuses – the only exceptions being three small charter schools located on a single campus. To remedy this gap, some rural schools provide health services to their students through one of the state's 73 federal- and state-funded school-based health centers. For FY20, the Legislature appropriated \$1.4 million for school-based health centers to supplement their services to public schools.

Shortage of Nurses in New Mexico. However, this lack of school nurses invites the critical question underlying HB32: Where will schools find professional registered nurses to fill the estimated 200 open positions needing to be filled? The lack of school nurses appears at a time, perhaps not coincidentally, when New Mexico is experiencing a shortage in the professional nurse workforce especially in its rural counties, making compliance with this bill more difficult for schools throughout the state.

Recent studies have indicated the prevalence of such shortages statewide, particularly in many rural counties. A November 2015 report by the University of New Mexico Health Sciences Center on the state's healthcare workforce indicated 20 counties had shortages of certified nurse practitioners and clinical nurse specialists (registered nurses with advanced practice), and such shortages were most severe in the less-populated counties. The New Mexico Health Care Workforce Committee's annual report from 2019 indicated the state fell below the national benchmark for the number of registered nurses in 2018 and would need an additional 3,689 registered nurses for all counties to meet the national benchmark of 8.64 per 1,000 inhabitants. The report also found the state would need an additional 135 certified nurse practitioners and clinical nurse specialists to meet the national benchmark of 0.59 per 1,000 inhabitants.

Waiver for Small Rural Schools. HB32 requires each public and charter school to employ at least one full-time school nurse each school year but would provide a waiver for any rural school with fewer than 250 students, if the school demonstrates it can effectively meet student health needs by hiring a part-time school nurse or it is not able to hire a qualified nurse or contract with a third party for a qualified nurse because of insufficient availability of qualified nurses in the vicinity. This waiver ensures the requirements do not present an undue burden for such school due to an insufficient availability of qualified nurses in rural areas of the state.

Defining "Rural." HB32 does not provide a definition or interpretation of the use of "rural" to distinguish between school districts and determine eligibility for the bill's waiver. Without clearly defining "rural," the bill allows for a subjective interpretation of the term, potentially complicating or obscuring a school's eligibility for the waiver that is based, partly, on an undefined metric. Whether a place's "rural" status is based on total population, density of population, economic infrastructure, presence of agrarian-based economic activities, or other measures will carry significant consequences. As HB32 reads, "rural" serves as a subjective gatekeeper to determining a school's eligibility to be exempt from the requirement to hire a full-time school nurse.

Definition of School Nurse. HB32 defines school nurse as "a person who is a nurse authorized pursuant to the Nursing Practice Act to practice as a professional registered nurse; is licensed by the department and the board of nursing as a school nurse; and provides services as a school nurse at a school." According to the Nursing Practice Act (61-3-24 NMSA 1978), a professional registered nurse has the ability to practice "the full scope of nursing requiring substantial knowledge of the biological, physical, social and behavioral sciences and of nursing theory."

This practice includes:

- (1) Assessing the health status of individuals, families, and communities;
- (2) Establishing a nursing diagnosis;
- (3) Establishing goals to meet identified healthcare needs;
- (4) Developing a plan of care;
- (5) Determining nursing intervention to implement the plan of care;
- (6) Implementing the plan of care commensurate with education and verified competence;
- (7) Evaluating responses to interventions;
- (8) Teaching based on the theory and practice of nursing;
- (9) Managing and supervising the practice of nursing;
- (10) Collaborating with other health care professionals in the management of health care; and
- (11) Conducting nursing research.

HB32 specifies a school nurse must be a professional registered nurse, as distinguished from other nursing practitioners. A professional registered nurse differs in level of formal education and scope of practice from other nursing professionals who sometimes provide nursing services in schools, such as licensed professional nurses, who are required to have an associate's, rather than a bachelor's, degree in nursing. NMAC 6.63.2 outlines the PED-issued licensure requirements for school nurses and the credentialing requirements and competencies related to the differing levels of training and responsibility for the varied levels of school nurses – associate, professional, and supervisory.

ADMINISTRATIVE IMPLICATIONS

Section 24-1-4 NMSA 1978 indicates the Department of Health (DOH) must provide medical oversight and support to school nurses through consultations, trainings, receiving and responding to reports; direction regarding medical protocol; assistance obtaining medical supplies; and other tasks.

OTHER SIGNIFICANT ISSUES

Schools have various options for placing nurses in schools statewide. Some belong to school districts that contract nursing services through regional education cooperatives or share full-time nurses with other small schools due to a lack of licensed school nurses in their geographical vicinity. Many public schools share a part-time school nurse with many other schools within a single district, while many employ licensed practical nurses, health assistants, and contracted nurses, as well as partner with school-based health centers in addition to or in lieu of employing full-time registered nurses.

The bill sponsor may want to consider adding a definition of “rural” to differentiate from “urban” or other geographical designations to allow for a clear distinction among school districts located in rural, urban, and other non-rural areas of the state. Without clearly defining “rural,” HB24 allows for a subjective interpretation of the term, potentially complicating or obscuring a school district’s eligibility for the waiver. The determination is especially difficult in New Mexico, where the state’s very few urban areas are surrounded by large expanses of open spaces dotted by dispersed towns and small villages. Alternatively, perhaps a simple demarcation between what are considered the state’s few metropolitan areas – Albuquerque, Santa Fe, Farmington, and Las Cruces – and all other areas as nonmetropolitan rather than the use of the more subjective term, “rural.”

RELATED BILLS

Relates to HB24, School District Full-Time Nurses, which requires every school district to hire a full-time school nurse (providing a waiver for rural schools with fewer than 250 students)

Relates to SB31, Full-Time School Nurse, which requires every school district to hire a full-time school nurse (providing a waiver for rural school districts with fewer than 250 students)

SOURCES OF INFORMATION

- LESC Files
- LFC Files