



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY,
NY 12234

OFFICE OF STUDENT SUPPORT SERVICES
89 WASHINGTON AVE., ROOM 318M EB
ALBANY, NEW YORK 12234
(518) 486-6090; FAX: (518) 474-8299
<http://www.p12.nysed.gov/sssf>

The Department has received several inquiries regarding the March 1995 memo *The Provision of Nursing Tasks and Health Related Activities in the School Setting for Students with Special Health Care Needs*. Questions relate to the hiring of private nurses for students with extensive health care needs. The 1995 memo states that when hiring a private nurse the district's obligation is to simply confirm that the RN or LPN assigned to the child is from an authorized nursing registry or other legally authorized entity.

Since 1995 more RNs and LPNs have become self-employed. The Department would like to enable districts to hire such nurses. If a district chooses to hire a self employed nurse they should follow the same procedures required of a nursing registry in General Business Law §182, which requires: "every nurses' registry, before sending a person out to practice nursing, [to] investigate such person's educational qualifications and verify such person's licensure and current registration. At least two current written references shall be required of such person. The record of such investigation and verification shall be kept on file in the registry."

These procedures are recommended to insure the nurse is licensed to practice in New York, is qualified to provide the type of care needed, and functions within the scope of practice of their specific license. Since school health professionals function more independently than health professionals in other settings, school administrators are encouraged to consult with their school medical director and/or school nurse when reviewing an applicant to insure the RN or LPN has the appropriate experience and skills necessary to provide the care the student requires. Since LPNs must work under the direction of the RN or other qualified health provider, schools need to be certain that the RN or qualified health provider is available to the LPN anytime during the school day. School boards are also responsible for the health and safety of their students, and therefore need to exercise care when hiring health professionals.

October 8, 2010