

MEMORANDUM OF UNDERSTANDING

Among the

Board of Education of Washington County, Meritus Medical Center, Inc. and the Nursing Agency, as well as other school placements

Regarding 1:1 Nursing Services Necessary for the Student To Access His/Her Educational Program

Purpose

The Board of Education of Washington County (Board) and Meritus Medical Center, Inc. (Meritus) jointly provide school health services for students in Washington County Public Schools (WCPS). At times, students must be accompanied in school by 1:1 nursing personnel. These students often have complex health and medical needs. The presence of 1:1 nursing personnel in the school setting requires coordination among some or all of the following, depending on the situation: WCPS school staff, Meritus, the Nursing Agency and its personnel, and the parent/guardian. This also applies to other institutions, such as School for the Blind, School for the Deaf, or any other school or program WCPS has determined to be the appropriate school setting for the student. In an effort to provide appropriate care of these students during the school day, this Memorandum of Understanding (MOU) establishes the respective responsibilities and relationships of the parent/guardian, 1:1 nursing personnel, the nursing agency, the Board, Meritus school health staff, the school principal, and others as deemed necessary. It is essential that coordination of student care be assimilated and maintained by all parties.

The Nursing Agency, the employer of the 1:1 nursing personnel, is responsible for the supervision of the 1:1 nursing personnel. WCPS school officials are responsible for the safety of the student and, therefore, will inform the Nursing Agency, through the Board School Health Programs Coordinator, if they observe or become aware that care provided by the 1:1 nursing personnel may not be appropriate.

When WCPS identifies a student with complex medical needs who requires care or assistance from a 1:1 nursing personnel during the school day and/or on the school bus, this MOU must be completed and signed by all parties noted at the end of the MOU.

I. School System Responsibilities (Board of Education of Washington County Public Schools)

The School System Will:

1. Ensure that appropriate school staff monitor the 1:1 nursing personnel to confirm that the 1:1 nursing personnel remains with the student during the school day when coverage is required and that the 1:1 nursing personnel provides appropriate care.
2. Maintain the same responsibility for the student requiring a 1:1 nursing personnel as for all other students in the event of a school emergency. (Example-equipment such as back-up generator, if needed)
3. Provide assistance to the student, in the event of an emergency at the school, if needed.

II. Parent/Guardian Responsibilities

The Parent/Guardian Will:

1. Give permission for the appropriate school staff to communicate with health care providers in the form of a release of information (see attached).
2. Provide and maintain the necessary supplies, equipment, and medication required by the student in school.
3. Refrain from sending the student to school unless all supplies and equipment are present and in working order to maintain a safe environment for the student. Any expired medication will be replaced immediately.
4. Notify the emergency medical unit of the local fire department of the child's special medical needs.

5. Understand the emergency protocols, the evacuation procedures, and the transportation plans for the child.
6. Transport and/or accompany the student to school and assume the functions of the 1:1 nursing personnel when the 1:1 nursing personnel is unable to be present in the school for a short-term period.
7. Come to school to remain with or take the student home in the event that the 1:1 nursing personnel needs to leave the assignment.
8. Ensure the 1:1 nursing personnel and substitutes understand the care and special needs of the student.

Additionally, if the parent /guardian has contracted to hire the 1:1 nursing personnel through an agency:

1. Ensure that the 1:1 nursing personnel is appraised of his/her functions in the school setting.
2. Assume responsibility for the 1:1 nursing personnel and recognize the independence of the 1:1 nursing personnel from other school-based health professionals.
3. Assume financial responsibility for the 1:1 nursing personnel.
4. Be responsive to concerns raised by the Board School Health Programs Coordinator, Meritus school nurse, or school staff regarding the overall professionalism or performance displayed by the 1:1 nursing personnel in his/her interactions with the student, other students, and school staff.

III. Nursing Agency Responsibilities (Entity Employing the 1:1 Nursing Personnel)

The Nursing Agency Will:

1. Maintain up to date physician orders, nursing care plans, and nursing assessments. (Private Duty Nursing Rates).
2. Provide an appropriately trained and qualified certified nursing assistant, practical nurse, or registered nurse, actively certified or licensed to practice in the state of Maryland, who has a current certification for CPR and is knowledgeable regarding Standard Precautions. The name and license of the supervising RN should be on file.
3. Assign staff that does not have a criminal record, including child abuse. Provide records of 1:1 nursing personnel's criminal background check prior to working in the school. If the agency does not have these records, the agency may elect to have the 1:1 nursing personnel fingerprinted at WCPS Center for Educational Services. This procedure includes submission of a signed disclosure form and fingerprint check form. These forms will be forwarded for review by the State Criminal Justice Information System and the FBI. Fees for processing criminal background checks will be paid for by the Nursing Agency. A 365 form will be provided to the agency. If the agency has already obtained the necessary background checks, they will provide to WCPS the 365 form. Submission of a certification form pursuant to the requirements in Education Article Section 6-113.2 (House Bill 486) is also required. WCPS reserves the right to question any information received and to recommend to the Nursing Agency the assignment of another 1:1 nursing personnel.
4. Ensure that this MOU, as well as any other required documentation, is signed by a representative of the Nursing Agency and the assigned 1:1 nursing personnel.
5. In conjunction with the parent/guardian, assume direct supervisory responsibility for the 1:1 nursing personnel and recognize the independence of the 1:1 nursing personnel from the school-based health

professionals. Provide the Board School Health Programs Coordinator and school principal with contact information of 1:1 nursing personnel's direct supervisor.

6. Be responsive to concerns regarding the 1:1 nursing personnel's performance, practice, and professionalism expressed by the Board School Health Programs Coordinator, school staff, or school health staff and notify parent/guardian.
7. Ensure that any change in 1:1 nursing personnel staffing by the Nursing Agency will require the new staff to present a current Maryland nursing license, CPR certification, and criminal and child abuse background checks immediately, prior to reporting to duty, to the Board School Health Programs Coordinator. Substitute staff should be familiar with the student and his/her health care needs.
8. May attend a school meeting and orientation with assigned 1:1 nursing personnel to meet the Board School Health Programs Coordinator, principal, school health staff, and the student's teacher prior to the school year or 1:1 nursing personnel assignment.
9. Provide copies of all health care provider orders and any updates as needed, and provide 1:1 nursing personnel's documentation of care provided to the student during the school day for inclusion in the student's school health record at least weekly. All orders must be renewed every 60 days and provided to the health room and the Board School Health Programs Coordinator. The school nurse is responsible for the overall health of the student in the school setting, and it is crucial that this information is received on at least a monthly basis to be able to provide care in the event of an emergency.
10. Give at least 30 days written notice to the parent and Board School Health Programs Coordinator if the agency is unable to continue service.
11. Procure and keep in force the following required insurance coverages:
 - A. Commercial General Liability Insurance at limits of not less than One Million Dollars (\$1,000,000) per occurrence for claims arising out of bodily injuries or death, and property damages, subject to a minimum limit of Three Million Dollars (\$3,000,000) aggregate. Such insurance shall include contractual liability insurance.
 - B. Business Automobile Liability at limit of not less than One Million Dollars (\$1,000,000) per occurrence for all claims arising out of bodily injuries or death and property damages. The insurance shall apply to any owned, non-owned, leases, or hired automobiles used in the performance of the Agreement.
 - C. Worker's Compensation coverage as required by the State of Maryland, as well as any similar coverage required for this work by applicable Federal or "other state's" state law.
 - D. Agency shall, at all times, maintain and keep in force Professional Liability, Error, and Omissions Insurance at a limit of not less than One Million Dollars (\$1,000,000) in the event the service delivered pursuant to the Agreement, either directly or indirectly, involves or requires professional services. "Professional Services" for the purpose of the Agreement shall mean any services provided by a licensed professional such as those provided by the Nursing Agency.
 - E. The Board and its elected/appointed officials, employees, departments, agencies and volunteers shall be covered, by endorsement, as additional insureds with respect to liability arising out of activities performed or to be performed by or on behalf of the Nursing Agency.

IV. 1:1 Nursing Personnel Responsibilities (Selected/Paid by Parent/Guardian or WCPS Private Provider Under Contract – Independent Contractor)

The 1:1 Nursing Personnel Will:

1. Be a certified nursing assistant, licensed practical nurse, or registered nurse with a current CPR certification and be certified to work as a nursing assistant, or licensed to practice nursing in the state of Maryland. The nurse will provide a copy of current Maryland nursing certification or license and CPR card to the Board School Health Programs Coordinator. The name and license of the supervising RN should be on file.
2. In collaboration with the parent/guardian, be primarily responsible for the student's daily medical care while at school and/or on the bus, if required, including school sponsored events that have been determined medically safe and approved by the parent/guardian, the principal/designee, and the school health nurse. The 1:1 nursing personnel will function in accordance with the Standards of Practice as delineated in the Maryland Nurse Practice Act.
3. May attend a school orientation to meet the Board School Health Programs Coordinator, principal, school health staff, and student's teacher prior to school year or 1:1 nursing personnel assignment.
4. Ensure that appropriate medical supplies and equipment are present in the school and are in good working order. Malfunctioning equipment must be reported immediately to the parent/guardian and the school health nurse. Ensure that medications are not expired. Ensure medications are kept locked.
5. Promptly supply the School Health Programs Coordinator and school nurse with copies of all health care provider orders for inclusion in the student's health record. In addition, any updated orders must be submitted within 48 hours. All orders must be renewed every 60 days.
6. At least weekly, provide the school health nurse with copies of documentation that records care provided to student during the school day daily for inclusion in the student's school health record. Changes in the student's care/condition must be reported to the school nurse.
7. Become thoroughly familiar with the student's transportation procedures, emergency protocols, and emergency evacuation procedures and be prepared to carry out those procedures.
8. Assess the student's needs, implement the individual care plan, and document all interventions.
9. Coordinate care, bearing in mind the schedule of the student to minimize disruption to academic instruction.
10. Participate in academic programming, therapeutic regimens, and other school activities, at the discretion of the principal/designee.
11. Participate in routine school conferences regarding the student at the discretion of the parent/guardian, principal, or other appropriate school staff.
12. Adhere to the Nurse Practice Act and the American Nurses Association 1976 Code for Nurses, including but not limited to, Principle II (the nurse safeguards the client's right to privacy by judiciously protecting information of a confidential nature).
13. Ensure that school-related information obtained during the school day while caring for the student remains confidential.

14. Establish and maintain a professional relationship with the school staff, the student, and the student's family.
15. Special arrangements may be discussed with school nurse/principal to cover the bathroom needs of 1:1 nursing personnel in the event the student cannot be without the 1:1 nursing personnel for five minutes.
16. Report to the nursing agency, the school health staff, and the principal/designee immediately if he/she becomes ill during the school day and shall, if at all possible, continue to care for the student until a back-up nurse arrives at school or the student is sent home with the parent/guardian.
17. Review these guidelines, the nursing assessment, emergency protocols, and discuss questions and/or concerns with the school nurse, Board School Health Programs Coordinator, or principal/designee.

V. Meritus/School Nurse Responsibilities

The School Nurse/Designee Will:

1. Meet the 1:1 nursing personnel and provide the 1:1 nursing personnel with requested information that is relevant to his/her activities in the school as appropriate. This may include verbal/written guidelines regarding usual school/health procedures or other information that may be helpful.
2. Become familiar with the student's care and equipment in the event the school nurse is needed to assist with the student's care, such as in the temporary, brief absence of the 1:1 nursing personnel (bathroom, or needs to leave in an emergency and until the parent/guardian arrives to pick up student) or in the event of an extreme medical emergency of the student.
3. Maintain a school health record for the student.
4. Attend Individualized Education Plan (IEP)/Section 504 meetings.
5. Obtain copies of the student's health care provider orders for medications and nursing treatments at school for inclusion in the student's health record every 60 days and within 48 hours of a change to any of the orders. Maintain student's care plans.
6. Obtain copies of 1:1 nursing personnel assessments and notes on at least a monthly basis for the student's health record, as well as any current medical reports/update.
7. Report any concerns regarding the student's health status to the 1:1 nursing personnel, school health director/designee, Board School Health Programs Coordinator, parent/guardian, principal/designee, and health care provider as appropriate.
8. Ensure that the appropriate school system personnel, including transportation, have the information needed to create an environment that is safe and conducive to learning for the student.
9. Assess the impact of the student's individual needs as they relate to the needs of all the students in the school.
10. Keep the school health director/designee apprised of any concerns regarding care of the student, who will in turn notify the Board School Health Programs Coordinator.
11. Assist in the development of an individualized emergency management plan in collaboration with the parent/guardian and 1:1 nursing personnel.

12. Follow the student's emergency protocols and/or call Emergency Medical Services when it is determined that the student requires special or emergency intervention.

VI. Board School Health Programs Coordinator/Designee Responsibilities

The Board School Health Programs Coordinator/Designee Will:

1. Attend IEP/Section 504 meetings, as needed.
2. Ensure this MOU, and any other required documentation, is signed and fully executed by all necessary parties.
3. Maintain records of 1:1 nursing personnel security clearances and legal requirements, such as current Maryland nursing license, current CPR certification, and background checks, both state and federal.
4. Ensure school health services staff is familiar with the requirements associated with a 1:1 nursing personnel in the school setting.
5. Communicate any change in the Nursing Agency or 1:1 nursing personnel to all parties.
6. Receive and review any reports concerning the quality of care provided by, and the competency and performance of, the 1:1 nursing personnel, and communicate with the Nursing Agency.
7. In consultation with the school nurse and school principal, communicate to the Nursing Agency any health concerns.
8. Provide and set up a payment schedule to the Nursing Agency for services rendered, if appropriate.

VII. WCPS (or other school placement) School Principal /Designee Responsibilities

The School Principal/Designee Will:

1. Provide school orientation to Nursing Agency and 1:1 nursing personnel outlining classroom and school expectations of 1:1 nursing personnel.
2. Have day to day authority regarding student's academic programming and shall monitor implementation of the student's IEP or 504 plan.
3. Comply with and enforce school policies in accordance with Maryland law, WCPS regulations, and Board of Education policy, generally and in particular, with regard to the student and the 1:1 nursing personnel.
4. Maintain full authority under Maryland law, regulation and Board of Education policy to take any action legally necessary including requiring removal of the student or the 1:1 nursing personnel in order to provide for the safety of the student or the safety of other students, school staff, or other persons.
5. Report any concerns regarding the 1:1 nursing personnel to the Board School Health Programs Coordinator and parent/guardian if necessary.

VIII. Classroom Teacher/Designee Responsibilities

The Classroom Teacher/Designee Will:

1. Report concerns about the performance and professionalism of the 1:1 nursing personnel to the Board School Health Programs Coordinator and principal/designee.

2. Become familiar with the medical needs/emergency plans of the student in order to plan an appropriate educational program for the student.
3. Summon school health staff in the event student requires special or emergency intervention.

The guidelines and procedures describing the responsibilities and obligations have been reviewed by all parties involved. The parties, by affixing their signature below, acknowledge reviewing and accepting the terms, conditions, and responsibilities set forth in this cooperative agreement. This agreement will be reviewed and updated annually.

Parent/Guardian _____ Date _____

Nursing Agency _____ Date _____

School Principal _____ Date _____

Board School Health Programs Coordinator _____ Date _____

School Health Director _____ Date _____

cc: Provide copies to all signature holders, 1:1 nursing personnel, School Nurse, and Teacher

SAMPLE