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S.B. 233
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Blessing

Allison Schoeppner, Research Analyst
Kailey Henry, Research Analyst

SUMMARY

School nurse licensure

- Requires a school nurse or school nurse wellness coordinator to hold a separate license from the State Board of Education in addition to a license issued by the State Board of Nursing.
- Requires the State Board to issue a one-year temporary license to any individual who was registered as a school nurse with the Department of Education under H.B. 442 of the 133rd General Assembly.
- Specifies that an individual must pay the difference between any registration fees with the Department and any fees associated with school nurse or school wellness coordinator licensure.
- Specifies that if an individual is registered with the Department as a school nurse and already meets educational requirements for licensure as a school nurse or school wellness coordinator that that individual may be issued a license once the difference between any fees associated with registration and licensure have been paid.

School nurses and state retirement system membership

- Makes a registered nurse or licensed practical nurse employed by a school who does not hold a separate license issued by the State Board a member of the School Employees Retirement System and excludes such a nurse from the State Teachers Retirement System.

DETAILED ANALYSIS

School nurse licensure

The bill requires a school nurse or school nurse wellness coordinator to hold a separate license from the State Board of Education in addition to a license issued by the State Board of Nursing. Additionally it specifies that if the State Board requires any examinations for licensure, the Department of Education must provide the examination results received by the Department to the Chancellor of Higher Education, in the manner and to the extent permitted by state and federal law.¹

H.B. 442 of the 133rd General Assembly, effective April 12, 2021, repealed the requirement that school nurses and school nurse wellness coordinators hold separate licenses from the State Board, but instead requires them to be registered with the Department. This change, unaffected by the bill, also applies to school speech language pathologists, audiologists, physical therapists, occupational therapists, and social workers, who are licensed by their respective professional boards. Substitute and other temporary pupil service personnel also must register with the Department instead of hold a separate license.²

The bill requires the State Board to issue a temporary license to any individual who was registered as a school nurse with the Department under H.B. 442 valid for one year or until that individual has completed any additional education requirements to qualify for licensure as a school nurse or school nurse wellness coordinator. Further, the bill specifies that such an individual must pay the difference of any fees from the registration with the Department and any fees associated with school nurse or school nurse wellness coordinator licensure.³

The bill also specifies that if an individual is registered with the Department as a school nurse and already satisfies the educational requirements for licensure as a school nurse or school nurse wellness coordinator that that individual may be issued a license once the difference between any fees from registration with the Department and any fees associated with licensure have been paid.⁴

School nurses and state retirement system membership

Continuing law permits a school district board of education to contract for student health care services. An employee providing services under such a contract must, at a

¹ R.C. 3319.2212; conforming changes in R.C. 3313.68, 3313.7110, 3313.7113, 3319.221, and 3319.222.

² R.C. 3319.221, as re-enacted H.B. 442 of the 133rd General Assembly. R.C. 3319.221 was subsequently amended by H.B. 6 of the 134th General Assembly, effective May 14, 2021, to remove the requirement that a school nurse hold a bachelor's degree specifically in nursing, requiring only that the nurse hold any bachelor's degree. It is the later version that is amended by the bill.

³ R.C. 3319.2212(D)(1) and (2).

⁴ R.C. 3319.2212(D)(3).

minimum, hold a credential that is equivalent to a registered nurse or licensed practical nurse license. Before H.B. 442, these nurses were not required to hold a separate school nurse license issued by the State Board of Education to perform services in a school. H.B. 442 eliminated the exemption for contract nurses from the requirement to obtain a school nurse license, as that license was eliminated and currently a registration is required, as discussed above. However, it does not appear that a contract nurse is exempt from the current law registration requirement.⁵

Most public school employees belong to either the State Teachers Retirement System (STRS) or the School Employees Retirement System (SERS). Which system an employee belongs to depends on whether the employee is required to have an educational license or registration issued by the State Board (registration was added in H.B. 442). If yes, the employee is in STRS; if no, SERS. Because it appears that a contract nurse must be registered, the nurse is in STRS. According to STRS, a registered nurse with a Bachelor's degree should switch to STRS by July 1, 2021.⁶

The bill exempts a contract nurse from the bill's school nurse license requirement. Under the bill, a registered nurse or licensed practical nurse who is employed by a school and does not hold a separate license issued by the State Board of Education under former law or the bill is a member of SERS and is excluded from membership in STRS.⁷

HISTORY

Action	Date
Introduced	09-21-21

S0233-I-134/ts

⁵ R.C. 3313.721.

⁶ R.C. 3307.01 and 3309.01 and STRS Ohio, *Legislation Change Updates Membership Eligibility for Registered Nurses*, available [here](#), and STRS Ohio, *New Legislation Affects STRS Ohio Membership Eligibility*, available [here](#).

⁷ R.C. 3307.01, 3309.01, and 3313.721.