

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF PUBLIC HEALTH

Statutory Authority: 18 Delaware Code, Section 3365 (18 Del.C. §3365)
16 DE Admin. Code 4102

PROPOSED

PUBLIC NOTICE

4102 School-Based Health Centers

The Division of Public Health, Department of Health and Social Services, is proposing revisions to the regulations governing School-Based Health Centers (4102). The purpose of the amendments is to make technical corrections to bring the regulations in line with recently revised statutes. On January 1, 2017, DPH plans to publish as proposed the amended regulations, and hold them out for public comment per Delaware law.

Copies of the proposed regulations are available for review in the January 1, 2017 edition of the Delaware *Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the DPH at (302) 744-4951.

Any person who wishes to make written suggestions, testimony, briefs or other written materials concerning the proposed regulations must submit same to Jamie Mack by Friday, February 10, 2017, at:

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Division of Public Health
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Dover, DE 19901
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4102 School-Based Health Centers

1.0 Statement of Purpose

These regulations are intended to implement the provisions of 18 Del.C. §3365 and ~~3547G~~ 3571G, school-based health centers. These regulations apply to medical vendors who provide services at school-based health centers and health insurance plans who reimburse for covered medical services. These regulations define: (1) services offered in a school-based health center; (2) criteria for recognition as a school-based health center; (3) interactions with primary care providers; and (4) criteria for health promotion.

2.0 Definitions

The following words and terms, when used in this regulations, shall have the following meaning unless the context clearly indicates otherwise:

“**Agency**” means the Division of Public Health, Bureau of Adolescent and Reproductive Health, school-based health center program.

“**Parent**” means ~~the parent or legal guardian authorized to enroll a student in the school-based health center~~ a parent as defined by 13 Del.C. §8-201 or a nonparent or agency charged with caring for a child during the child's minority.

“**School-based health center**” means a health care clinic located in or near a school facility that is organized through school and health provider relationships that provides services designated in ~~section~~ Section 4.0 of this regulation.

“**Student**” means a child or adolescent who is enrolled in school.

3.0 Designation as a School-Based Health Center

- 3.1 School-based health centers (SBHC) are designed to reduce risk behaviors and improve health among children and adolescents through health promotion and education, early intervention, and preventive care. These services include physical examinations, treatment of minor acute medical conditions, counseling and community referrals. SBHCs do not supplant the primary care provider, but rather serve to coordinate care between students and their primary care provider, as well as increase access to services.

- 3.2 A health care clinic may be designated as a school-based health center (SBHC) by the Agency if it has demonstrated that it meets the criteria provided in ~~paragraphs~~ Sections 4.0-8.0 in these regulations. The Agency shall be the sole arbiter of the satisfaction of these criteria.
- 3.3 Application for designation shall be made to the Agency using a standard application form. The form is available by contacting the Division of Public Health, school-based health center program.
- 3.4 Designations are non-transferable and valid for a period of five years from date of issue. Application for renewal is available by contacting the Division of Public Health, school-based health center program.

4.0 Service Provision

- 4.1 ~~In order to obtain services at the SBHC, a minor student must be enrolled in the SBHC by his or her parent/guardian or relative caregiver acting pursuant to an Affidavit of Establishment of Power to Consent to Medical Treatment of Minors in accordance with Title 13 Del.C., §708. A student of the age of 18 years or more may consent for himself or herself.~~
- 4.2 A SBHC shall be open during hours accessible to students. Information on hours of operation must be posted in areas frequented by students.
- 4.3~~2~~ All SBHCs shall provide through licensed professionals, primary health services to children, including comprehensive health assessments, diagnosis, and treatment of minor, acute, and chronic medical conditions, referrals to and follow-up for specialty care and oral and vision health services, mental health and substance use disorder assessments, crisis intervention, counseling, treatment, and referral to a continuum of mental health and substance abuse services including emergency psychiatric care, community support programs, inpatient care, and outpatient programs.
 - 4.3.1 Physical Health
 - 4.3.1.1 ~~Assessment, diagnosis and treatment of minor illness/injury.~~
 - 4.3.1.2 ~~Immunizations, in accordance with recommendations from the Division of Public Health.~~
 - 4.3.2 Mental Health
 - 4.3.2.1 ~~Individual and group counseling.~~
 - 4.3.2.2 ~~Referral for long-term counseling and mental health evaluations and emergency treatment.~~
 - 4.3.3 Health Education
 - 4.3.3.1 ~~Individual, group or classroom education, including but not limited to, healthy lifestyles and preventive health.~~
 - 4.3.4 Nutrition Consultation/Education
 - 4.3.4.1 ~~Individual, group or classroom education, including but not limited to, healthy eating and weight management.~~
 - 4.3.5 Subject to school board approval
- 4.3.5.1 ~~Diagnosis and treatment of sexually transmitted diseases, reproductive health, provision of contraceptives, and HIV testing and counseling. Provision of these services by SBHCs is~~ may be provided by a SBHC subject to the approval of the school board governing the SBHC locale.
- 4.3.6~~4~~ Promotion of vaccination among enrolled students
 - 4.3.6~~4~~.1 ~~SBHCs must promote provision of all vaccinations required or recommended by the Division of Public Health to enrolled students either on site or through referral to a primary care provider.~~
 - 4.3.6~~4~~.2 ~~SBHCs shall promote vaccination among students through education and awareness activities.~~

5.0 Staffing

- 5.1 A SBHC shall provide services through health professionals who: maintain up to date Delaware licensure, training and proper certification in their individual discipline for the population to be served.
 - 5.1.1 ~~Are experienced in community health and providing health services to school-aged children and adolescents.~~
 - 5.1.2 ~~Have knowledge of health promotion and preventive health strategies for children and adolescents.~~
 - 5.1.3 ~~Maintain up to date training and proper certification for the population to be served.~~
- 5.2 The organizational structure of the SBHC must be adequate to provide for appropriate clinic supervision of staff, and to ensure that staff are assigned responsibilities that are consistent with their education and experience and legally within their scope of practice. Staffing of the SBHC must include: an individual designated as having overall responsibility for the management of the SBHC.

- ~~5.2.1 An individual designated as having overall responsibility for the management of the SBHC.~~
- ~~5.2.2 A licensed advanced practice nurse, physician assistant or physician, on a part-time basis at minimum.~~
- ~~5.2.3 An individual trained and experienced in nutrition for school-aged children and adolescents.~~
- ~~5.2.4 A licensed clinical social worker, psychologist or mental health counselor.~~
- ~~5.2.5 An individual responsible for the management of medical records.~~

6.0 Billing and Reimbursement

- ~~6.1 SBHCs are required to implement and maintain a third-party insurance billing process for services provided.~~
- ~~6.2 A SBHC shall not charge co-pays or any other out-of-pocket fees for use of SBHC services.~~
- ~~6.32 The following services shall be exempt from third-party billing:~~
 - ~~6.32.1 Any services provided to a student related to an evaluation or assessment of eligibility under the Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq, or Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §701 et seq.; and~~
 - ~~6.32.2 Any services provided to a student implementing an Individualized Education Program (IEP) or Section 504 Plan developed in conformity with either of the above federal laws.~~
- ~~6.43 Insurance information on each student enrolled in the SBHC must be updated annually at minimum.~~

7.0 Information Storage and Sharing

- 7.1 A SBHC must keep detailed records on the treatment of students receiving services, including but not limited to, documentation of contact with primary care providers.
- 7.2 A SBHC shall establish written protocol that describes how information will be shared with the student's primary care provider.

8.0 Quality Improvement

- 8.1 A SBHC must implement and maintain a quality assurance plan. Components of the plan shall include at a minimum:
 - 8.1.1 Ongoing clinical and medical record reviews by peers to ensure conformity with current standards of practice. The plan must include provisions for implementing corrective actions when deficiencies are noted.
 - 8.1.2 Satisfaction assessments conducted with parents, students and/or school staff on a biennial basis.
 - 8.1.3 The Agency may perform such reviews as it determines necessary to ensure continued compliance with SBHC standards. Review may include site visits, reviews of records and documents, or such other oversight as determined necessary by the Agency.

16 DE Reg. 982 (03/01/13)

20 DE Reg. 528 (01/01/17) (Prop.)