Authorizing Private Health-Care Specialists to Provide Medically Necessary Treatment in School Setting

A private health-care specialist may be permitted to come onto the premises of any BOCES school for the purpose of providing medically necessary treatment to a student if it has been determined by the student's IEP team or 504 team that such medically necessary treatment must be provided to the student within the school setting pursuant to section 504 of the federal "Rehabilitation Act of 1973", 29 U.S.C. sec. 794, as amended, and Title II of the federal "Americans with Disabilities Act of 1990."

Such treatment will not occur on school premises unless the following minimum requirements are met:

1. The BOCES prepares, with the input of the private health-care specialist and the student's parent/guardian, a written plan that identifies the form, designated location(s), treatment plan for administration from the private health-care specialist, and any additional protocol regarding administration of medically necessary treatment to the student, which may include implementing a background check for the private health-care specialist, requirements that the private health-care specialist be appropriately supervised by the employing agency, or other protocol(s) if deemed necessary by the BOCES. The written plan must be signed by the school administrator, the student (if capable), the private health-care specialist, and the student's parent/guardian.

2. The BOCES provides a representative who has the authority and responsibility to work with the parents and private health-care specialist to schedule and/or cancel the private health-care specialist's visits to the school to provide medically necessary treatment.

3. The student's parent signs a parental consent form to any medically necessary treatment in the school setting.

4. The private health-care specialist signs a Confidentiality Affidavit certifying that they will comply with the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act (HIPAA), and shall not read any documents or file materials pertaining to any student other than the qualifying student.

5. The private health-care specialist provides a certificate of insurance of General Liability, Auto Liability, and Professional Liability insurance. The General Liability and Auto Liability policies must name the BOCES as an additional insured party.

6. The private health-care specialist provides proof of Colorado licensure.

7. The private health-care specialist signs an Assumption of Risk form waiving any and all claims and demands for relief concerning any physical or emotional harm, injury, or damage to the private health-care specialist caused by the student and/or any other student.

After the medically necessary treatment begins, the treatment is subject to the following conditions:

1. At all times, through implementation of this regulation and associated policy, all parties shall strive to avoid disruption to the learning environment of all students, avoid disruption to the student's access to special education services, and maintain the integrity of all students' instructional programs.

2. The private health-care specialist must give at least two weeks' advance notice of any additional visits to the school to work with the student that were not mentioned in the written plan.

3. The BOCES has sole discretion to deny an additional visit, or reschedule or modify any planned visit, if the visit to the school would interfere with the school's necessary activities, schedule of school staff, or scheduling priorities. Except in an emergency, the private health-care specialist and the student's parent/guardian will be given two weeks' advance notice of any rescheduling or modification of an existing visit.

4. The student's parent/guardian will be solely responsible for compensating the private health-care specialist for medically necessary treatment, and the BOCES will have no financial obligation to the private health-care specialist for fees, expenses, or any other associated cost. If the private health-care specialist offers suggestions, professional observations, opinions, advice, or consultation to and for BOCES staff, the BOCES will not be obligated to pay any associated fee or charge.

5. The private health-care specialist must follow all applicable provisions of state and federal law and BOCES policies during any time the private health-care specialist is on BOCES premises.

6. The BOCES will not exercise supervisory control over the content or nature of private health-care specialist's medically necessary treatment of the student. However, if requested, the BOCES is entitled to advance discussion and

7. review of the content and nature of such services in order to coordinate the medically necessary treatment with other classroom and school activities.

8. Permission for the private health-care specialist to administer medically necessary treatment to a student, and to remain on BOCES property, may be limited or revoked if the private health-care specialist violates this policy or demonstrates an inability to responsibly follow this policy's parameters.

Adoption date: October 18, 2023