



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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November 19, 2010

Mr. Charlie Michels, Executive Director
Professional Standards Board
Townsend Building
401 Federal Street
Dover, DE 19901

RE: 14 DE Reg. 354 [DOE Proposed School Nurse Regulation]

Dear Mr. Michels:

The State Council for Persons with Disabilities (SCPD) has reviewed the Professional Standards Board's [in collaboration with the Department of Education (DOE)] proposal to adopt a revised school nurse certification standard. Certification is required for school nurses serving students in the public school system. The proposed regulation was published as 14 DE Reg. 354 in the November 1, 2010 issue of the Register of Regulations. SCPD has the following observations.

First, it is not clear if a nurse must be licensed by the Delaware Board of Nursing (as juxtaposed to holding an out-of-state license) to qualify for school nurse certification. Section 6.1.4 refers to "a valid nursing license" and Sections 4.1.2 and 5.1.1 refer to an RN license "recognized" by the Delaware Board of Nursing. The Nurse Practice statute ostensibly contemplates that nurses qualifying to practice based on an interstate compact would receive a Delaware license. See Title 14 Del.C. §1902(h). The DOE may wish to consult the Board of Nursing and incorporate more specific language in the regulation.

Second, in §6.1.4, the DOE may wish to insert "R.N" before the word "license" to conform to §4.1.2.

Third, §§6.1.1, 6.1.2, 6.1.3, and 6.1.4 contain a plural pronoun ("their") with a singular antecedent ("educator"). This could be corrected by simply substituting "Educators" for "An educator" in §6.1.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations on the proposed regulations.

Sincerely,

A handwritten signature in black ink that reads "Daniese McMullin-Powell". The signature is written in a cursive, flowing style.

Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

cc: The Honorable Lillian Lowery
Dr. Teri Quinn Gray
Ms. Martha Toomey
Ms. Paula Fontello, Esq.
Ms. Terry Hickey, Esq.
Mr. John Hindman, Esq.
Ms. Susan Haberstroh
Developmental Disabilities Council
Governor's Advisory Council for Exceptional Citizens

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