

fusal shall be deducted from the period during which compensation would otherwise be payable.

The employe shall be entitled to have a physician or physicians of his own selection, to be paid by him, participate in any examination [requested by his employer or] ordered by the board.

Section 2. This act shall take effect in thirty days. **Effective date.**

APPROVED—The 15th day of July, A. D. 1957.

GEORGE M. LEADER

No. 404

AN ACT

Amending the act of March 10, 1949 (Pamphlet Laws 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," revising the school health program, changing the duties of the Secretary of Health and the Superintendent of Public Instruction relating thereto, and changing the basis for reimbursement therefor.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

**Public School
Code of 1949.**

Section 1. Article XIV. of the act of March 10, 1949 (Pamphlet Laws 30), known as the "Public School Code of 1949," is repealed.

**Article XIV.,
act of March 10,
1949, P. L. 30,
repealed.**

Section 2. The act is amended by adding, after Article XIII., a new article to read:

**Act of March 10,
1949, P. L. 30,
amended by
adding a new
Article XIV.**

ARTICLE XIV

SCHOOL HEALTH SERVICES

Section 1401. *Definitions.—As used in this article—*

(1) "Children of school age" or "child of school age" means every child attending or who should attend an elementary grade or high school, either public or private, within the Commonwealth and children who are attending a kindergarten which is an integral part of a local school district.

(2) "Teachers" means professional employes, temporary professional employes and substitutes and instructors in public or private schools within the Commonwealth.

(3) "Other employes" means janitors, bus drivers, cooks and other cafeteria help and all others employed at schools.

(4) "School physician" means a physician legally qualified to practice medicine and surgery or osteopathy or osteopathic surgery in the Commonwealth, who has been appointed or approved by the Secretary of Health.

(5) "School dentist" means a doctor of dental surgery or dental medicine legally qualified to practice dentistry in the Commonwealth, who has been appointed or approved by the Secretary of Health.

(6) "Family physician" means either a doctor of medicine legally qualified to practice medicine and surgery in the Commonwealth, or an osteopath or osteopathic surgeon legally qualified to practice osteopathy or osteopathic surgery in the Commonwealth, who has been designated by the parent or guardian as the personal physician of the child.

(7) "Family dentist" means a doctor of dental surgery or dental medicine legally qualified to practice dentistry in the Commonwealth, who has been designated by the parent or guardian as the personal dentist of the child.

(8) "School nurse" means a licensed registered nurse who is assigned to a school district or joint school board, or a licensed registered nurse properly certificated by the Superintendent of Public Instruction as a school nurse who is employed by a school district or joint school board as a school nurse. The employment of any nurse employed by a school district or joint school board as a school nurse prior to the effective date of this act shall not be affected by a contract for school health services that may be entered into by any school district or joint school board under the provisions of this act.

(9) "Dental hygienist" means a dental hygienist licensed by the State Dental Council and Examining Board, who is assigned to a school district or joint school board, or a dental hygienist licensed by the State Dental Council and Examining Board and certificated as a school dental hygienist by the Superintendent of Public Instruction, who is employed by a school district or joint school board as a dental hygienist. The employment of any dental hygienist employed by a school district or joint school board as a dental hygienist prior to the effective date of this act shall not be affected by a contract for school health services that may be entered into by any school district or joint school board under the provisions of this act.

(10) "Medical technician" means a person skilled in the operation of X-ray or other diagnostic equipment having such training and experience as required by the Secretary of Health.

(11) "Sanitarian" means a person having such training and experience as required by the Secretary of

Health and qualified to conduct sanitary inspections of school buildings and grounds in connection with water supply, sewage and refuse disposal, food service, heating, lighting, ventilation and safety.

Section 1402. Health Services.—(a) Each child of school age shall be given, (1) a vision test annually by a school nurse, medical technician or teacher, (2) a hearing test employing an audiometer at least once every year in the elementary grades and once every two years in secondary grades by a school nurse or medical technician, (3) a measurement of height and weight at least once annually by a school nurse or teacher, and (4) a chest X-ray by a medical technician when the child is in high school.

(b) For each child of school age, a comprehensive health record shall be maintained by the school district or joint school board, which shall include the results of the tests, measurements and regularly scheduled examinations and special examinations herein specified.

(c) Medical questionnaires, suitable for diagnostic purposes, furnished by the Secretary of Health and completed by the child or by the child's parent or guardian, at such times as the Secretary of Health may direct, shall become a part of the child's health record.

(d) All teachers shall report to the school nurse or school physician any unusual behavior, changes in physical appearance, changes in attendance habits and changes in scholastic achievement, which may indicate impairment of a child's health. The nurse or school physician or school dentist may, upon referral by the teacher or on his own initiative, advise a child's parent or guardian of the apparent need for a special medical or dental examination. If a parent or guardian fails to report the results to the nurse or school physician, the nurse or school physician shall arrange a special medical examination for the child.

(e) The school physicians of each district or joint board shall make a medical examination and a comprehensive appraisal of the health of every child of school age, (1) upon original entry into school in the Commonwealth, (2) while in sixth grade, (3) while in eleventh grade, and (4) prior to the issuance of a farm or domestic service permit unless the child has been given a scheduled or special medical examination within the preceding four months. The health record of the child shall be made available to the school physician at the time of the regularly scheduled health appraisals.

(f) The Secretary of Health, upon petition of the school board or joint school board or on his own initiative with the concurrence of the school board or joint school board, may modify for individual school districts

the school health services program specified in this section. The program as modified shall conform to approved medical or dental practices and shall permit valid statistical appraisals of the various components of the program.

Section 1403. Dental Examinations.—All children of school age in the Commonwealth, (i) upon original entry into the school, (ii) while in the third grade, and (iii) while in the seventh grade, shall be given a dental examination by a school dentist.

Section 1404. Place of Examination; Use of Hospital Facilities.—The school physician and school dentist shall conduct medical, dental and other examinations in rooms set aside for this special purpose and equipped with adequate facilities and with such other accessories as may be required by the Secretary of Health for the thorough examination of children. The school physicians shall require the removal of sufficient clothing to insure complete examination. If facilities in schools are inadequate for conducting medical, dental and other examinations, the school districts or joint school boards and private schools may, subject to the approval of the Secretary of Health, make arrangements for the use of laboratories and facilities of hospitals or clinics for examinations herein provided for.

Section 1405. Assistance; Presence of Parents.—Every school physician shall be assisted by a school nurse and every school dentist by a dental hygienist, if available, or trained assistant, who shall be present during each examination. Parents or guardians of children of school age shall be advised in advance of the date of examination and urged to be present. Medical examinations shall be made in the presence of the parent or guardian of the child when so requested by the parent or guardian.

Section 1406. Recommendations.—Recommendations as to medical, surgical or dental care shall be sent to each parent or guardian and to the family physician or family dentist on forms prepared or approved by the Secretary of Health with instructions to the parent or guardian to consult the family physician or family dentist and to notify the school authorities of the action taken with respect to the recommendations.

School physicians or school nurses shall inform teachers of the health conditions of pupils which may affect behavior, appearance or scholastic performance.

Section 1407. Examinations by Examiners of Own Choice.—In lieu of the medical or dental examinations prescribed by this article, any child of school age may furnish the local school officials with a medical or den-

tal report of examination made at his own expense by his family physician or family dentist on a form approved by the Secretary of Health for this purpose. The in lieu examinations shall be made and the report shall be furnished prior to the date fixed for the regularly scheduled examination but no earlier than four months prior to the opening of the school term during which the regular examination is scheduled.

Section 1408. Reports.—Every school district of the Commonwealth or school districts jointly, school physicians, school dentists and school nurses, shall file with the Secretary of Health and/or the Superintendent of Public Instruction such reports as required by the regulations of the two departments.

Section 1409. Confidentiality, Transference and Removal of Health Records.—All health records established and maintained pursuant to this act shall be confidential, and their contents shall be divulged only when necessary for the health of the child or at the request of the parent or guardian to a physician legally qualified to practice medicine and surgery or osteopathy or osteopathic surgery in the Commonwealth.

In the case of any child of school age who enrolls in any school, public or private, in any district and who previously attended school in another district in Pennsylvania, the district or school wherein the child is newly enrolled shall request and the district or school where the child previously attended shall surrender the health record of the child. School districts, joint school boards or private schools, shall not destroy a child's health record for a period of at least two years after the child ceases to be enrolled, but may surrender such child's health record or portion thereof to his parent or guardian if the child does not re-enroll in an elementary or secondary school in Pennsylvania.

Section 1410. Employment of School Health Personnel.—Except as otherwise provided in this article, all school districts alone or jointly with other districts or joint school boards shall employ school physicians and school dentists but only with the approval of the Secretary of Health, and shall compensate them on a basis agreed upon by the school physician or school dentist and the employing district or joint school board, and shall employ one or more school nurses. Health officers of municipalities may be appointed as school physicians by school districts or joint school boards. For special examinations recommended by school physicians, school districts or joint school boards may engage the services of ophthalmologists or other licensed medical specialists or of optometrists. Any school district alone or jointly with other districts or joint school boards may employ

dental hygienists and such other technical and clerical personnel as are necessary to carry out the provisions of this article.

Section 1411. Cooperation with Political Subdivisions.—Any school district or joint school board may, in any health work in which it is authorized to engage, cooperate with any county, city, borough, town or township engaged in health work or may, with the approval of the Secretary of Health and the Superintendent of Public Instruction, contract with county health units or the department or board of health of any municipality for school health services.

Section 1412. Municipal Civil Service Status Protected.—In any school district of the first class or first class A, any physician or nurse who is an employe with civil service status under any municipal corporation within the territorial limits of the school district and who performs any duty or duties under this act shall continue to be an employe of the municipal corporation and shall retain all of his or her civil service rights and rights under the pension system of the said municipal corporation.

Section 1413. Supplemental Duties of School Physicians.—Duties of school physicians shall include the vaccination of children of indigent parents, official re-vaccination of children having temporary vaccination certificates, physical examination of children incident to the issuance of employment certificates as required by the provisions of the Child Labor Act, approval of the return of pupils who have been absent due to a contagious disease or suspected contagious disease, and such other duties as may be required by the board of school directors not inconsistent with the rules and regulations of the Secretary of Health.

Section 1414. Care and Treatment of Pupils.—Any school district or joint school board may provide for the care and treatment of defective eyes, ears and teeth of all children of school age within the district.

Section 1415. Public Assistance for Medical, Dental or Surgical Care.—If the medical record of any child at any time discloses a condition which requires medical, dental or surgical treatment and the parent or guardian states to the school authorities that he is financially unable to have a physician or dentist of his choice render such care, he shall be advised that the cost of such care may be provided if application is made to the appropriate county board of public assistance. Upon application, the county board of assistance shall authorize payment for necessary medical, dental or surgical care as assistance as defined in the standards, rules and regulations

established by the Secretary of Public Assistance in consultation with the Secretary of Health and with the approval of the State Board of Public Assistance. If it appears that the parent or guardian was financially able to pay for the medical, dental or surgical care for which payment was made on the authorization of a county board of assistance, the Department of Public Assistance shall recover the amounts thus expended from the parent or guardian liable for the support of such child as provided in the support law.

Section 1416. Precautions Against Spread of Tuberculosis.—No person having any form of tuberculosis in a transmissible stage shall be a pupil, teacher, janitor or any other employe in any school except in a special school carried on under the regulations made for such schools by the Secretary of Health. The board of directors of any school district or joint school board may appropriate the necessary funds to pay for X-ray or other medical examinations to determine the presence or absence of tuberculosis in any teacher, janitor or other employe of the district.

Section 1417. Pupils Relieved from Compulsory Attendance.—Any pupil prevented from attending school on account of the health or sanitation laws of this Commonwealth, or by the sanitary regulations of the local board of health or the board of school directors, is relieved from complying with the provisions of the act amended hereby concerning compulsory attendance during the time he is prevented from attending school.

Section 1418. Medical Examinations of Teachers and Other School Employes.—(a) All teachers, janitors, cooks and other cafeteria help and all others employed at schools shall be required to take a pre-employment medical examination, the results of which shall be recorded on forms prescribed by the Secretary of Health and shall be made available to the employing authorities.

(b) Each teacher and other school employe shall be given a chest X-ray by a medical technician every two years.

(c) School boards may require a special medical examination for any school employe at any time.

(d) Medical examinations shall be made by the school physician of the district if provision therefor is made by the district or joint school board or by a physician of the employe's own choice legally qualified to practice medicine and surgery or osteopathy or osteopathic surgery in the Commonwealth.

Section 1419. Objections to Examination or Treatment on Religious Grounds.—This article shall not be construed to compel any person to submit to any medical

or dental examination or treatment under the authority of this act when the person or the parent or guardian of the person, if a minor, objects to the examination or treatment on religious grounds or to permit any discrimination against any person on account of such objections: Provided, That exemption from medical or dental examination shall not be granted if the Secretary of Health finds that facts exist under which the exemption constitutes a present substantial menace to the health of other persons exposed to contact with the unexamined person.

Section 1420. Examinations of School Buildings and Grounds.—The Secretary of Health shall employ sanitarians or request local health authorities to assign a sanitarian to make a careful examination of all privies, water-closets, urinals, cellars, the water-supply and drinking-vessels and utensils and sewage and refuse disposal systems, lighting, heating and ventilating systems, and such additional examinations of the sanitary conditions of the school buildings and grounds as the regulations of the Secretary of Health may require.

*Section *1421. Powers and Duties of the Secretary of Health and of the Superintendent of Public Instruction; Rules and Regulations.—(a) The technical content of the medical, dental, nursing and sanitary portions of the school health program shall be prescribed by and under the general direction of the Secretary of Health who shall—*

1. Approve all appointments of school physicians and school dentists and prescribe their duties and formulate and prescribe standards for medical technicians and sanitary officers for employment in the school health program.

2. Suggest or recommend to the State Council of Education standards of qualification for school nurses and dental hygienists for employment by a school district or joint school board in the school health services program and advise school administrators on matters connected with carrying out the school health program.

(b) The administration and supervision of the educational and teaching aspects of the program shall be the responsibility of the Superintendent of Public Instruction who shall—

1. Approve certification of school nurses and dental hygienists for employment by a school district or joint school board and administer and direct their services and program: Provided, That the services of school nurses and dental hygienists shall be utilized exclusively in connection with medical and dental examinations and associated health activities.

* "1420" in original.

2. Advise the Secretary of Health and school physicians and school dentists on matters pertaining to the educational impact of the school health services program.

(c) The Secretary of Health and the Superintendent of Public Instruction, after consultation, shall—

1. Adopt such records and report forms as will facilitate the efficient operation, administration and comprehensive evaluation of the school health program.

2. Adopt and enforce rules and regulations for the school health program not inconsistent with the provisions of this act.

Section 1422. *Advisory Health Councils.*—District superintendents in school districts of the first class, first class A and second and third classes, and county superintendents in districts under their supervision, may set up advisory health councils to study health needs and to assist in organizing follow-up programs. An advisory health council shall be composed of representatives of the medical and dental associations, social organizations, veterans' organizations, parent-teacher associations, service clubs and other organizations in the area served. Those making the medical and dental examinations shall make to this advisory council an annual report, and later a report on the remedial work which has been accomplished during the school year.

Section 3. The act is amended by adding, after section 2505, a new section to read:

Act of March 10,
1949, P. L. 30,
amended by
adding a new
section 2505.1.

Section 2505.1. *State Reimbursement for Health Services.*—(a) Every school district and joint school board which renders health services to children of school age shall be reimbursed by the Commonwealth on account of health services which conform to standards approved by the Secretary of Health. Reimbursements shall be paid by the Secretary of Health. The amount thereof shall be the actual cost of the medical and dental services as certified to the Secretary of Health, less any charges deemed unreasonable by him, but for medical services shall not for any school year exceed the sum of (1) eighty cents (\$.80) multiplied by the number of children enrolled in a school for the entire school term of that school year and for whom the school district or joint school board maintains comprehensive health records as defined in section 1402, and (2) a proportionate part of eighty cents (\$.80) for each child enrolled for a part of the school term of that school year and for whom the school district or joint school board maintains a comprehensive health record as defined in section 1402, and for dental services shall not for any school year exceed the sum of (1) forty cents (\$.40) multiplied by the number of children enrolled in a school for the entire

school term of that school year and for whom the school district or joint school board maintains comprehensive health records as defined in section 1402, and (2) a proportionate part of forty cents (\$.40) for each child enrolled for a part of the school term of that school year and for whom the school district or joint school board maintains a comprehensive health record as defined in section 1402.

(b) No reimbursement shall be made under this section for services for which the Commonwealth reimburses, in whole or in part, under any other section of the act to which this is an amendment. Reimbursement on account of the employment of school nurses shall continue to be made under section 2505 of the act amended hereby. Reimbursement on account of health services rendered by a school district or joint school board may be withheld by the Secretary of Health unless the actual expenditures for the health services are certified to the Secretary of Health within three months after the end of the school year during which the payment for the service was made by the school district or joint school board.

(c) Nothing herein contained shall be construed to prohibit any school district or joint school board from expending for health services amounts in excess of the reimbursable amounts.

Effective date.

Section 4. This act shall take effect June 1, 1957.

APPROVED—The 15th day of July, A. D. 1957.

GEORGE M. LEADER

No. 405

AN ACT

Providing for the selection of suitable lands throughout the Commonwealth for the erection thereon of new mental outpatient clinics.

Mental outpatient clinics.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Department of Welfare, with approval of Governor, to select certain lands for acquisition by Department of Property and Supplies.

Section 1. The Department of Welfare, with the approval of the Governor, shall select for acquisition by the Department of Property and Supplies in the name of the Commonwealth suitable lands throughout the Commonwealth for the erection thereon of mental outpatient clinics. Such lands shall provide ample water supply and be capable of adequate sewerage and drainage.