

# Medication Administration at School

## OVERVIEW

Federal and California state laws, regulations and recommendations pertaining to medication administration in California public schools are summarized in the California Department of Education's (CDE) *Program Advisory on Medication Administration* (May 2005). This document is very thorough – covering who may prescribe, necessary permissions, documentation, safeguards, and so much more. Every school nurse and every school employee who has any responsibility for medication administration at school should read and be familiar with this document. There have been a number of laws amending or adding to CA Education Codes regarding medication administration, and there was a 2013 CA Supreme Court ruling on insulin administration at school since the publication of the *Program Advisory*. These are specifically addressed below after the topic list of the *Program Advisory*. This is followed by some of the many resources available to provide assistance in developing safe medication practices.

Link to *California Department of Education's (CDE) Program Advisory on Medication Administration*  
<http://www.cde.ca.gov/ls/he/hn/documents/medadvisory.pdf>

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A brief summary of the overview information above is given to the parents/guardians annually via the *Health Education, Pupil Services, and Parents’ or Students’ Rights Requiring Annual Notification* document updated and sent to school districts annually through the SDCOE Student Support Services Department.

#### SPECIFIC MEDICATIONS/CLASSES OF MEDICATIONS IN EDUCATION CODE

**The following medications/classes of medication are addressed individually as there are either specific laws and/or training guidelines:**

##### ***Asthma Inhalers***

Education Code 49423.1 allows a student to either be assisted with inhaled asthma medication or to carry and self-administer inhaled asthma medication. The student may carry their inhaler if the school district receives the appropriate written statements:

1. A written statement from the prescribing health care provider confirming that the pupil is able to self-administer inhaled asthma medication.
2. A written statement from the parent or guardian of the pupil that consents to the self-administration and provides a release for the school nurse or other designated school personnel to consult with the health care provider regarding any questions that may arise with regard to the medication. The parent statement also releases the school district and school personnel from civil liability if the self-administering pupil suffers an adverse reaction by taking medication pursuant to this section.

##### ***Auto-injector Epinephrine***

There are two California Education Codes pertaining to auto-injector epinephrine:

1. Education Code 49423 allows students needing auto-injector epinephrine to be assisted by the school nurse or other designated school personnel and allows for students to self-carry prescribed auto-injector epinephrine. For students to carry and self-administer prescription auto-injectable epinephrine the school district shall obtain a written statement from the health care provider prescribing the medication and confirming that the pupil is able to self-administer auto-injectable epinephrine, as well as a written statement from the parent/guardian consenting to the self-administration, providing a release for consultation with the health care provider of the pupil regarding any questions that may arise with regard to the medication, and releasing the school district and school personnel from civil liability if the self-administering pupil suffers an adverse reaction by taking medication pursuant to this section.
2. Education Code 49414 *requires* school districts, county offices of education, and charter schools to provide emergency epinephrine auto-injectors to school nurses or trained personnel who have volunteered pursuant to subdivision and school nurses or trained personnel may use epinephrine auto-injectors to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an

anaphylactic reaction. Private schools may determine whether or not they will make emergency epinephrine auto-injectors and trained personnel available. In making this determination, a school shall evaluate the emergency medical response time to the school and determine whether initiating emergency medical services is an acceptable alternative to epinephrine auto-injectors and trained personnel. (This Education Code was amended to require stock auto-injector epinephrine rather than to permit stock epinephrine in 2015 by CA Senate Bill 1266 (Session Year 2013-2014))

### ***Emergency Anti-Seizure Medication (Diastat)***

California Education Code Section 49414.7 authorizes (until 2017) a school district, county office of education, or charter school to choose to train volunteer unlicensed personnel to administer Diastat. The law contains a number of components and must be implemented in a very specific manner. It lays out specifics regarding parent/guardian communication, how to solicit volunteers, the required training, the required record keeping and more. ***Please read the Education Code in its entirety as it is very proscriptive:***

[http://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=49414.7&lawCode=EDC](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=49414.7&lawCode=EDC)

### ***Glucagon***

Education Code 49414.5 allows that in the absence of a credentialed school nurse or other licensed nurse onsite at the school, each school district may provide school personnel with voluntary emergency medical training to provide emergency medical assistance to pupils with diabetes suffering from severe hypoglycemia.

The American Diabetes Association was tasked to develop performance standards for the training and supervision of school personnel in providing emergency medical assistance to pupils with diabetes suffering from severe hypoglycemia. These were developed in cooperation with the CA Department of Education, the California School Nurses Organization, the California Medical Association, and the American Academy of Pediatrics.

***Glucagon Training Standards for School Personnel:***

<http://web.diabetes.org/Advocacy/school/glucagon.pdf>

### ***Insulin***

On August 12, 2013, the California Supreme Court issued a decision about who is allowed under state law to administer insulin to students. Prior to this ruling insulin could only be given by licensed nurses except in emergency circumstances. In this ruling, the Court's conclusion was that California law does permit unlicensed school staff to give insulin and other prescription medications to students with diabetes and other health conditions in California's public schools upon the recommendation and written permission of the student's health care provider and parent/guardian:

**Conclusion:** "Finding no merit in the arguments to the contrary, we conclude California law does permit trained, unlicensed school personnel to administer prescription medications, including insulin, in accordance with written statements of individual students' treating physicians, with parental consent (§§ 49423, 49423.6; tit. 5, §§ 600–611), and that persons who act under this authority do not violate the NPA (see Bus. & Prof. Code, § 2727, subd. (e)). Because schools may administer prescription medications only in accordance with physicians' written statements (§ 49423; tit. 5, § 600, subd. (a)), state law in effect delegates to each student's physician the decision whether insulin may safely and appropriately be administered by unlicensed school personnel or instead whether a particular

student's medical needs can be met only by a licensed health care provider. State law, however, presents no categorical obstacle to the use of unlicensed personnel for this purpose.”

Link to text of the CA Supreme Court decision can be found on the CA Courts website.

<http://www.lexisnexis.com/clients/CACourts/>

Case title: American Nurses Assn. v. Torlakson, 2013 Cal. LEXIS 8393 (Cal., Aug. 12, 2013)

### **Sunscreen**

Education Code 35183.5. specifically states sunscreen is not an over the counter medication and that school sites shall allow pupils to use sunscreen during the school day without a physician’s note or prescription. This code does not require school personnel to assist pupils in applying sunscreen (note- nor does it prohibit it).

### REFERENCES/RESOURCES

American Academy of Pediatrics - **Guidelines for the Administration of Medication in School**

<http://pediatrics.aappublications.org/content/112/3/697.full.pdf+html>

National Association of School Nurses - Position Statement **Medication Administration in the School Setting**

<http://www.nasn.org/Portals/0/positions/2012psmedication.pdf>

Institute for Safe Medication Practices

<http://www.ismp.org/>

Article- Fewer Nurses Leads to greater Medication Errors

<http://ismp.org/Newsletters/consumer/Issues/20120301.asp>

Centers for Disease Control & Prevention- Medication Safety Program

<http://www.cdc.gov/medicationsafety/>

### **Legal References**

Most of the legal references for this section can be found in the California Department of Education **Program Advisory on Medication Administration**

<http://www.cde.ca.gov/ls/he/hn/documents/medadvisory.pdf>

Education Code 49423.1	Prescribed asthma inhalers/self-carry
Education Code 49423	Prescribed auto-injector epinephrine/self-carry
Education Code 49414	Requires stock emergency epinephrine auto-injectors
Education Code 49414.7	Volunteer unlicensed personnel may administer Diastat
Education Code 49414.5	Volunteer unlicensed personnel may administer Glucagon
Education Code 35183.5	Sunscreen is not an over the counter medication

Full text of CA Codes retrievable at <http://leginfo.legislature.ca.gov/faces/codes.xhtml>

Link to text of the CA Supreme Court decision on insulin administration in California schools may be found on the CA Courts website.

<http://www.lexisnexis.com/clients/CACourts/>

Case title: American Nurses Assn. v. Torlakson, 2013 Cal. LEXIS 8393 (Cal., Aug. 12, 2013)

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