

**STUDENTS**

**Administering Medication to Students**

Regular school attendance is critical to student learning. Students who need to take medication prescribed or ordered for them by their authorized health care providers should have an opportunity to participate in educational programs offered by the County Office of Education.

**Definitions**

Authorized health care provider means an individual who is licensed by the State of California to prescribe or order medication, including, but not limited to, a physician or physician assistant.

Other designated county office personnel means any individual employed by the county office, including a nonmedical school employee, who has volunteered or consented to administer the medication or otherwise assist the student and who may legally administer the medication to the student or assist the student in the administration of the medication.

Medication may include not only a substance dispensed in the United States by prescription, but also a substance that does not require a prescription, such as over-the-counter remedies, nutritional supplements, and herbal remedies.

Emergency medical assistance for a student suffering an epileptic seizure means the administration of an emergency antiseizure medication such as diazepam rectal gel and other emergency medications approved by the federal Food and Drug Administration for patients suffering from epileptic seizures.

**Administration of Medication**

Any medication prescribed by an authorized health care provider, including, but not limited to, emergency antiseizure medication for a student who suffers epileptic seizures, auto-injectable epinephrine, insulin, or glucagon, may be administered by a nurse or other designated county office personnel only when the County Superintendent or designee has received written statements from both the student's parent/guardian and authorized health care provider.

Any medication prescribed for a student with a disability who is qualified to receive services under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973 shall be administered in accordance with the student's individualized education program or Section 504 services plan as applicable.

**Training**

When medically unlicensed county office personnel are authorized by law to administer any medication to students, such as emergency antiseizure medication, auto-injectable epinephrine, insulin, or glucagon, the County Superintendent or designee shall ensure that school personnel designated to administer any medication receive appropriate training and, as necessary,

retraining from qualified medical personnel before any medication is administered. At a minimum, the training shall cover how and when such medication should be administered, the recognition of symptoms and treatment, emergency follow-up procedures, and the proper documentation and storage of medication. Such trained, unlicensed designated county office personnel shall be supervised by, and provided with immediate communication access to, a school nurse, physician, or other appropriate individual.

### Notifications to Parents/Guardians

At the beginning of each school year, the County Superintendent or designee shall notify parents/ guardians of the options available to students who need to take prescribed medication during the school day and the rights and responsibilities of parents/guardians regarding those options.

In addition, the parents/guardians of any student on a continuing medication regimen for a nonepisodic condition shall be informed of the following requirements:

1. The parent/guardian is required to inform the school nurse or other designated employee of the medication being taken, the current dosage, and the name of the supervising physician.
2. With the parent/guardian's consent, the school nurse or other designated employee may communicate with the student's physician regarding the medication and its effects and may counsel county office personnel regarding the possible effects of the medication on the student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

### Parent/Guardian Responsibilities

The responsibilities of the parent/guardian of any student who may need medication during the school day shall include, but are not limited to:

1. Each school year, providing parent/guardian and authorized health care provider written statements as described in the sections "Parent/Guardian Statement" and "Health Care Provider Statement" below. In addition, the parent/guardian shall provide a new authorized health care provider's statement if the medication, dosage, frequency of administration, or reason for administration changes.
2. If the student is on a continuing medication regimen for a nonepisodic condition, informing the school nurse or other designated certificated employee of the medication being taken, the current dosage, and the name of the supervising physician.
3. If the student suffers from epilepsy, notifying the principal or designee whenever the student has had an emergency antiseizure medication administered to him/her within the past four hours on a school day.
4. Providing medications in properly labeled, original containers along with the authorized health care provider's instructions. For prescribed or ordered medication, the container also shall bear the name and telephone number of the pharmacy, the student's identification, and the name and phone number of the authorized health care provider.

## Parent/Guardian Statement

When county office employees are to administer medication to a student, the parent/guardian's written statement shall:

1. Identify the student
2. Grant permission for an authorized county office representative to communicate directly with the student's authorized health care provider and pharmacist, as may be necessary, regarding the health care provider's written statement or any other questions that may arise with regard to the medication
3. Contain an acknowledgment that the parent/guardian understands how county office employees will administer the medication or otherwise assist the student in its administration
4. Contain an acknowledgment that the parent/guardian understands his/her responsibilities to enable county office employees to administer or otherwise assist the student in the administration of medication, including, but not limited to, the parent/guardian's responsibility to provide a written statement from the authorized health care provider, to ensure that the medication is delivered to the school in the original pharmacy labeled container by an individual legally authorized to be in possession of the medication, and to provide all necessary supplies and equipment
5. Contain an acknowledgment that the parent/guardian understands that he/she may terminate the consent for the administration of the medication or for otherwise assisting the student in the administration of medication at any time.

In addition to the requirements in items #1-5 above, if a parent/guardian has requested that his/her child be allowed to carry and self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication, the parent/guardian's written statement shall:

1. Consent to the self-administration
2. Release the county office personnel from civil liability if the student suffers an adverse reaction as a result of self-administering the medication.

In addition to the requirements in items #1-5 above, if a parent/guardian wishes to designate an individual who is not an employee of the county office to administer medication to his/her child, the parent/guardian's written statement shall clearly identify the individual and shall state:

1. The individual's willingness to accept the designation
2. That the individual is permitted to be on the school site
3. Any limitations on the individual's authority.

### Health Care Provider Statement

When any county office employee is to administer prescribed medication to a student, or when a student is to be allowed to carry and self-administer auto-injectable epinephrine or prescribed diabetes or asthma medication during school hours, the authorized health care provider's written statement shall include:

1. Clear identification of the student
2. The name of the medication
3. The method, amount, and time schedules by which the medication is to be taken
4. If a parent/guardian has requested that his/her child be allowed to self-administer medication, confirmation that the student is able to self-administer the medication
5. For medication that is to be administered on an as-needed basis, the specific symptoms that would necessitate administration of the medication, allowable frequency for administration, and indications for referral for medical evaluation
6. Possible side effects of the medication
7. Name, address, telephone number, and signature of the student's authorized health care provider.

When authorizing a county office employee to administer emergency antiseizure medication to a student, the authorized health care provider's written statement shall also include the following:

1. Detailed seizure symptoms, including frequency, type, or length of seizures that identify when the administration of the medication becomes necessary
2. Any potential adverse responses by the student and recommended mitigation actions, including when to call emergency services
3. A protocol for observing the student after a seizure, including, but not limited to, whether he/she should rest in the school office or return to his/her class and the length of time he/she should be under direct observation
4. A statement that following a seizure, a county officer administrator or other staff member shall contact the school nurse and the student's parent/guardian to continue the observation plan.

### County Office Responsibilities

The school nurse or other designated county office personnel shall:

1. Administer or assist in administering medications in accordance with the authorized health care provider's written statement
2. Accept delivery of medications from parents/guardians and count and record them upon receipt

3. Maintain a list of students needing medication during the school day, including those authorized to self-administer medications, and note on the list the type of medication and the times and dosage to be administered
4. Maintain for each student a medication log which may:
  - a. Specify the student's name, medication, dose, method of administration, time of administration during the regular school day, date(s) on which the student is required to take the medication, and the authorized health care provider's name and contact information
  - b. Contain space for daily recording of the date, time, and amount of medication administered, and the signature of the individual administering the medication
5. Maintain for each student a medication record which may include the authorized health care provider's written statement, the parent/guardian's written statement, the medication log, and any other written documentation related to the administration of medication to the student
6. Ensure that student confidentiality is appropriately maintained
7. Coordinate and, as appropriate, ensure the administration of medication during field trips and other county office related activities
8. Report to a student's parent/guardian and the site administrator any refusal by the student to take his/her medication
9. Keep all medication to be administered by the county office in a locked drawer or cabinet
10. As needed, communicate with a student's authorized health care provider and/or pharmacist regarding the medication and its effects
11. Counsel other designated county office personnel regarding the possible effects of a medication on a student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose
12. Ensure that any unused, discontinued, or outdated medication is returned to the student's parent/guardian at the end of the school year or, if the medication cannot be returned, dispose of it in accordance with state laws and local ordinances
13. Provide immediate medical assistance if needed and report to the site or program administrator, the student's parent/guardian, and, if necessary, the student's authorized health care provider any instance when a medication is not administered properly, including administration of the wrong medication or failure to administer the medication in accordance with authorized health care provider's written statement.

#### Additional Requirements for Management of Epileptic Seizures

In addition to applicable provisions in the sections above, the County Superintendent or designee shall make arrangements for assisting students with epilepsy who may suffer a seizure at school. Such arrangements shall include the following:

1. Whenever a parent/guardian requests that a nonmedical county office employee be trained to provide emergency medical assistance to his/her child, notification to the parent/guardian that the child may qualify for services or accommodations pursuant to 20 USC 1400-1482, the Individuals with Disabilities Education Act (IDEA), or 29 USC 794, Section 504 of the federal Rehabilitation Act of 1973 (Section 504).
2. The creation of an individualized health plan, seizure action plan, or other appropriate health plan designed to acknowledge and prepare for the student's health care needs in school, if his/her parent/guardian refuses to have him/her assessed for services or accommodations under IDEA or Section 504.
3. The distribution of an electronic notice to county office staff no more than twice per school year, for each student whose parent/guardian has requested provision of emergency medical assistance pursuant to Education Code 49414.7. The notice shall be in bold print and, in accordance with Education Code 49414.7, shall contain a description of the request for a volunteer county office employee, the training that such volunteer county office employee will receive, the voluntary nature of the program, and the timelines for the volunteer county office employee to rescind his/her offer.

If no employee volunteers to administer emergency antiseizure medication to a student, the County Superintendent or designee shall again notify the student's parent/guardian of the option to have the student assessed for services and accommodations under IDEA or Section 504.

4. An assurance that any employee who volunteers to administer an emergency antiseizure medication shall receive from a licensed health care professional the training specified in 5 CCR 623 before administering such medication.

When a trained employee has not administered an emergency antiseizure medication to a student within two years after completing the training and a student who may need the administration of an emergency antiseizure medication is enrolled in the school, the employee shall be retrained in order to retain the ability to administer an emergency antiseizure medication.

5. An assurance that any training provided for district employees who volunteer to administer emergency antiseizure medication to students shall include, but is not limited to:
  - a. Recognition and treatment of different types of seizures
  - b. Administration of an emergency antiseizure medication
  - c. Basic emergency follow-up procedures, including, but not limited to, a requirement for the County Office of Education administrator or designee to call the emergency 911 telephone number and to contact the student's parent/guardian, but not necessarily to transport the student to an emergency room
  - d. Techniques and procedures to ensure student privacy.
6. A process for notifying the school nurse, or the County Superintendent or designee as applicable, whenever an employee administers an emergency antiseizure medication to a student at a school site.

7. Supervision of volunteer county office employees by a licensed health care professional, in accordance with 5 CCR 627.

#### Additional Requirements for Management of Anaphylactic Reactions

In addition to applicable provisions in the sections above, the County Superintendent or designee shall provide emergency epinephrine auto-injectors to school nurses or trained personnel who have volunteered to use to assist persons suffering, or reasonable believed to be suffering from, an anaphylactic reaction. Anaphylaxis is a life-threatening hypersensitivity to a substance.

1. A school nurse, or other qualified supervisor of health, shall obtain from an authorizing physician and surgeon a prescription for each program operated by the county office for epinephrine auto-injectors as prescribed by law.
2. A school nurse, or other qualified supervisor of health, shall be responsible for stocking the epinephrine auto-injector(s) and after its use, re-stocking it as soon as reasonably possible, but no later than two weeks after its use. Epinephrine auto-injectors shall also be re-stocked before their expiration date. Prescriptions may be filled by local or mail order pharmacies or by epinephrine auto-injector manufacturers.
3. Records regarding the acquisition and disposition of epinephrine auto-injectors shall be maintained by the County Superintendent or designee three years from the date the records were created.
4. The County Superintendent or designee shall distribute a notice each school year requesting volunteers to be trained to administer epinephrine auto-injectors. The notice shall include a description of the training each volunteer will receive. The Superintendent may designate one or more volunteers to receive initial and annual refresher training regarding the storage and use of epinephrine auto-injectors. All volunteers shall receive written materials covering the requisite training components.
5. A school nurse or, if a program operated by the county office does not have a school nurse onsite or available, a trained volunteer may administer an epinephrine auto-injector to a person exhibiting potentially life-threatening symptoms of anaphylaxis at school or a school activity when a physician is not immediately available.
6. The County Superintendent shall ensure that trained volunteer personnel be provided defense and indemnification by the county office for any and all civil liability. This notice of defense and indemnity shall be provided to the volunteer in writing and retained in the volunteer's personnel file.
7. A school program operated by the county office may accept gifts and donations from any source for the support of the school program using epinephrine auto-injectors, including the acceptance epinephrine auto-injectors from a manufacturer or wholesaler.

Legal References: Next Page

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EDUCATION CODE

- 48980 Notification at beginning of term
- 49407 Liability for treatment
- 49408 Emergency Information
- 49414 Emergency epinephrine auto-injectors
- 49414.5 Providing school personnel with voluntary emergency training
- 49414.7 Emergency medical assistance; administration of epilepsy medication
- 49423 Administration of prescribed medication for pupil
- 49423.1 Inhaled asthma medication
- 49480 Continuing medication regimen; notice

CODE OF REGULATIONS, TITLE 5

- 600-611 Administering medication to students
- 620-627 Administration of emergency antiseizure medication by trained volunteer nonmedical school personnel

UNITED STATES CODE, TITLE 20

- 1232g Family Educational Rights and Privacy Act of 1974
- 1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

- 794 Rehabilitation Act of 1973, Section 504