**STATE BOARD OF EDUCATION – ADMINISTRATIVE RULE SUMMARY**

**Title/OAR #:** Administration of Prescription and Nonprescription Medication to Students / OAR 581-021-0037

**Date:** March 6, 2014

**Staff/Office:** Nancy Johnson-Dorn/Office of Learning – Student Services Unit, ODE

**[ ] New Rule [x] Amend Existing Rule**  **[ ] Repeal Rule**

**Hearing Date:** March 24, 2014 **[ ]  Hearings Officer Report Attached**

**Prompted by: [x]  State law changes [ ]  Federal law changes [ ]  Other**

**Action Requested:**

**[x]  First Reading/Second Reading [ ]  Adoption [ ]  Adoption/Consent Agenda**

**PROPOSED/AMENDED RULE SUMMARY:** This rule implements legislation from Senate Bill 611 that was signed into law in 2013. It expands current OAR to include premeasured doses of epinephrine (epi pens) by trained school personnel. Requires school districts to adopt policies and procedures for the administration of epinephrine. Requires school districts to develop guidelines for the management of students with life-threatening food allergies.

**BACKGROUND:** The current OAR does not include epinephrine within the scope of Administration of prescription and nonprescription medication to students. This rule implements Senate Bill 611 (2013) and allows epinephirine to be administered when required by trained school personnel, require school districts to adopt policies and procedures for the administration of epinephrine.

**ISSUES/CONCERNS THAT SURFACED DURING RULE WORK:** None

**CHANGED SINCE LAST BOARD MEETING?**

[x]  N/A; first read—hasn’t been before board

[ ]  No; same as last month

[ ]  Yes – As follows:

**FISCAL IMPACT:**

**STAFF RECOMMENDATION**:

[ ]  Adopt administrative rule as prepared this month

[x]  Adopt administrative rule next month

[ ]  No recommendation at this time (rarely used)

Comments:

**Created by CH on 2/17/14**

**581-021-0037**

**Administration of Prescription and Nonprescription Medication to Students**

(1) As used in this rule, definitions of terms shall be as follows:

(a) "Age appropriate guidelines" means the student must be able to demonstrate the ability, developmentally and behaviorally, to self medicate with permission from a parent or guardian, building administrator and in the case of a prescription medication a physician;

(b) “Asthma’ means a chronic inflammatory disorder of the airways that requires ongoing medical intervention;

 (b) "Designated staff" means the school staff person who is designated by the building level school administrator, either the principal or head teacher, to administer nonprescription or prescription medication pursuant to district policy and procedure;

(c) "Instruction from physician, physician assistant or nurse practitioner" means a written instruction for the administration of a prescription medication to a student which:

(A) Shall include:

(i) Name of student;

(ii) Name of medication;

(iii) Dosage;

(iv) Method of administration;

(v) Frequency of administration; and

(vi) Other special instruction, if any.

 (B) Shall include the prescription medication label prepared by a pharmacist at the direction of a physician, physician assistant or nurse practitioner will meet the requirements for a written instruction if it contains the information listed in (i) through (vi) of this paragraph;

(e) "Instruction from the student's parent or guardian" means a written instruction for the administration of a nonprescription medication to a student which shall include:

 (A) Name of student;

 (B) Name of medication;

 (C) Dosage;

 (D) Method of administration;

 (E) Frequency of administration;

 (F) Other special instructions; and

 (G) Signature of parent or guardian.

 (g) "Nonprescription medication" means only commercially prepared, nonalcohol-based medication to be taken at school that is necessary for the child to remain in school. This shall be limited to eyes, nose and cough drops, cough suppressants, analgesics, decongestants, antihistamines, topical antibiotics, anti-inflammatories and antacids that do not require written or oral instructions from a physician. Nonprescription medication does not include dietary food supplements;

(h) "Physician" means:

 (A) A doctor of medicine or osteopathy or a physician assistant licensed to practice by the Board of Medical Examiners for the State of Oregon;

 (B) A nurse practitioner with prescriptive authority licensed by the Oregon State Board of Nursing;

 (C) A dentist licensed by the Board of Dentistry for the State of Oregon;

 (D) An optometrist licensed by the Board of Optometry for the State of Oregon; or

 (E) A naturopathic physician licensed by the Board of Naturopathy for the State of Oregon;

(i) For the purpose of this rule, "prescription medication" means any noninjectable drug, chemical compound, suspension or preparation in suitable form for use as a curative or remedial substance taken either internally or externally by a student under the written direction of a physician. Medication includes any prescription for bronchodilators or autoinjectable epinephrine prescribed by a student’s Oregon licensed health care professional for asthma or severe allergies Prescription medication does not include dietary food supplements;

(j) “Qualified trainer” means a person who is familiar with the delivery of health services in a school setting and who is:

 (A) A Registered Nurse licensed by the Oregon State Board of Nursing;

 (B) A physician; or

 (C) A pharmacist licensed by the State Board of Pharmacy for the State of Oregon;

(f) “Severe allergy” means a life-threatening hypersensitivity to a specific substance such as food, pollen or dust;

 (k) "Student self-medication" means students must be able to administer medication to him or herself without requiring a trained school staff member to assist in the administration of the medication;

(l) "Training" means yearly instruction provided by qualified trainers to designated school staff on the administration of prescription and nonprescription medications, based on requirements set out in guidelines approved by the Department of Education, including discussion of applicable district policies, procedures and materials;

(2) Each school district shall adopt policies and procedures that provide for:

(a) The administration of prescription and nonprescription medication to students by trained school personnel; and

(b) Student self-medication including age appropriate guidelines.

(3) Policies and procedures shall:

(a) Include a process to designate, train and supervise appropriate staff;

(b) Permit designated staff to administer prescription medication under the written permission from the student's parent or guardian and instruction from a physician, physician assistant or nurse practitioner if, because of its prescribed frequency, the medication must be given during school hours;

(c) Permit designated staff to administer nonprescription medication under the written permission and instruction from the student's parent or guardian; and

(d) Permit student self-medication;

(e) Include rules for the administration of premeasured doses of epinephrine by school personnel trained as provided by ORS 433.815 to any student or other individual on school premises who the personnel believe in good faith is experiencing a severe allergic reaction, regardless of whether the student or individual has a prescription for epinephrine;

(f) Provide guidelines for the management of students with life-threatening food allergies which must include:

 (A) Standards for the education and training of school personnel to manage students with life threatening allergies;

 (B) Procedures for responding to life-threatening allergic reactions;

 (C) A process for the development of individualized health care and allergy plans for every student with a known life-threatening allergy;

 (D) Protocols for preventing exposures to allergens;

 (E) A school district board shall adopt policies and procedures that provide for self-administration of medication by kindergarten through grade 12 students with asthma or severe allergies:

 In school

At a school-sponsored activity

While under the supervision of school personnel

In before-school or after-school care programs on school-owned property

(v) In transit to or from school or school-sponsored activities;

 (g) Require that an Oregon licensed health care professional prescribe the medication to be used by the student during school hours and instruct the student in the correct and responsible use of the medication;

(h) Require that an Oregon licensed health care professional, acting within the scope of the person’s license; formulate a written treatment plan for managing the student’s asthma or severe allergy;

(4) Policies and procedures related to administration of prescription and nonprescription medication and student self-medication must discuss:

(a) Safe storage, handling, monitoring supply and disposing of medications;

(b) Record keeping and reporting of medication administration, including errors in administration;

(c) Emergency medical response for life threatening side effects and allergic reactions , including the administration of premeasured doses of epinephrine to students and other individuals; and

(d) Student confidentiality.

Stat. Auth.: ORS 326.051
Stats. Implemented: ORS 339.869 and 339.870