

Executive Numbered Memo 001-2017-18: Updates to OAR 581-021-0037 Administration of Medication

TO: School District Health Services Staff
FROM: Sarah Drinkwater, Assistant Superintendent in the Office of Student Services
DATE: August 29, 2017

The Oregon State Board of Education adopted revisions to OAR 581-021-0037 (Administration of Medication to Students) at its [June 22nd meeting](#). OAR 581-021-0037 outlines the responsibilities and requirements related to the administration of prescription and nonprescription medication to students. This memo summarizes important revisions that impact school policies and procedures.

Changes to OAR 581-021-0037:

1. **Housekeeping changes:** Revisions address internal inconsistencies to make the rule more user friendly. The revisions include format changes as well as updates to the definitions and minor language changes to reduce confusion.
2. **Recommended changes from the field:** Revisions clarify requirements to help address common questions and concerns from the field. Examples include:
 - a. **Added clarification of when and how food supplements may be administered in a school setting. School staff may administer nonprescription medication, including medication that is not approved by the Federal Drug Administration, to students. However, additional information is required from the prescriber.**
 - i. (3)(D) For nonprescription medication that is not approved by the Federal Drug Administration, a written order from the student's prescriber that includes the name of the student, name of the medication, dosage, method of administration, frequency of administration, a statement that the medication must be administered while the student is in school, any other special instructions, and the signature of the prescriber is required.
 - b. **Added clarification related to training non-licensed school staff to administer medication to students.**
 - i. (3)(b) Require designated personnel to successfully complete annual training on the administration of medication.
 - ii. (3)(b)(B) The training for designated personnel must be based on requirements set out in guidelines that are approved by the Oregon Department of Education and include a discussion of applicable district policies, procedures and materials;
 - iii. (3)(b)(C) The first annual training for a designated personnel and every third annual training thereafter, must be provided in-person. During the intervening years, designated personnel may complete an online training

that has been approved by the Oregon Department of Education so long as a trainer is available within a reasonable time following the training to answer questions and provide clarification.

- c. **New language to better align with Oregon Revised Statutes related to minor consent (ORS 109.610, 109.675, and 109.640). Parental consent is not required for staff or self-administration of medication to a student per:**
 - i. ORS 109.610 (Right to care for certain diseases without parental consent) allows minors of any age to access health services related to sexual health without requiring parental consent.
 - ii. ORS 109.675 (Right to diagnosis or treatment for mental or emotional disorder or chemical dependency without parental consent) allows a minor who is 14 years of age or older to obtain, without parental knowledge or consent, outpatient diagnosis or treatment of a mental or emotional disorder or a chemical dependency.
 - iii. ORS 109.640 (Right to medical or dental treatment without parental consent) allows a minor 15 years of age or older to give consent, without the consent of a parent or guardian of the minor, to: hospital care, diagnosis or treatment by a physician, dentist, physician assistant, and nurse practitioner.

- 3. Legislatively required changes: New amendment implements House Bill 4017 (2016), which revised ORS 678.038 to include education service districts as an employer of school nurses.
 - a. **678.038 allows a registered nurse who is employed by a public or private school, or by an education service district or a local public health authority as defined in ORS 431.003 to provide nursing services at a public or private school, may accept an order from a physician licensed to practice medicine or osteopathy in another state or territory of the United States if the order is related to the care or treatment of a student who has been enrolled at the school for not more than 90 days.**

We appreciate the multiple stakeholders who participated in the drafting and review process of this OAR.

For questions please contact:

[Ely Sanders](#)

Sexual Health and School Health Specialist
Oregon Department of Education
Office of Learning, Student Services Unit
503-947-5904