



Administration of Drugs to Pupils

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This document available electronically at:
<http://dpi.wi.gov/sspw/pdf/sndrugs.pdf>

Bulletin No. 00012

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Introduction

Medication administration in schools is governed by Wis. Stat. sec. 118.29. This statute allows private or public school administrators, principals, school boards, or cooperative education service agencies to assign the responsibility of medication administration for a student to any employee or volunteer of a school, county children with disabilities education board, and cooperative education service agency. Individuals selected to administer medications must receive the assignment in writing by the administrator of a school district, board, or agency, and receive the appropriate instruction or training by a health care professional. The law states that individuals may not be required to administer medication to students by any means other than ingestion; however, if individuals are willing, they may be trained to give medications by other routes of administration. School personnel administering medications to students are exempt from civil liability if acting in good faith. Health care providers are not exempt from liability. Consultation with appropriate health care professionals is needed in the development and periodic review of written policies governing the administration, storage, record keeping, and training of authorized individuals administering medications.

Administration of medication in school is a complex process, complicated by the health status of the student, the nature of the medication, the route of administration, availability of nursing staff to delegate administration, and availability of school staff to assume this responsibility. School nurses are governed by Wis. Admin. Code. Chapter N 6 in determining if a task, such as medication administration, is appropriate to be delegated to personnel without a health care license.

A complete copy of the state statutes and the administrative codes is available at <http://www.legis.state.wi.us>.

Questions

1. **Who must write the policies and protocols for safe medication administration?**
2. **Who may administer over-the-counter medication and prescription medication to pupils?**
3. **What documentation is required for a school to administer medications?**
4. **What are some of the policies and protocols that a school is required to develop for administration of medication?**
5. **What route of medication administration can be given at school?**
6. **What is the difference between assignment and delegation of a medication?**
7. **Can a school accept telephone orders for a medication from a licensed health care provider or parent?**
8. **Does the school medication administration law apply to private schools?**
9. **Does Wis. Stat. sec. 118.29 address the administration of medications given on an “as needed” or emergency basis?**
10. **How does the Administration of Drugs to Pupils and Emergency Care Law differ from the Nurse Practice Act?**
11. **How should the issues of administration of medication be handled by school districts when students go on field trips or participate in after-school activities?**

12. Can a licensed practical nurse (LPN) provide school health services as long as supervision is provided by a nurse, physician, podiatrist, dentist, or optometrist?

Questions and Answers

1. Who must write the policies and protocols for safe medication administration?

School boards, cooperative educational service agencies, or private school governing bodies must seek the input of one or more health professionals employed or contracted by a school district to provide services or consultation for the development of policies for medication administration in the school district. Health professional is defined as a licensed, registered or certified emergency medical technician, nurse, chiropractor, or optometrist (Wis. Stat. sec. 118.29(1,4)). As part of the Emergency Nursing Service statute, Standard G, school districts are required to develop policies and protocols for administration of medications in schools (Wis. Admin. Code sec. PI 8.01(2)(g)).

2. Who may administer over-the-counter medication and prescription medication to pupils?

By law the following individuals are able to administer over-the-counter and prescription medications to students:

- health care provider
- school board employee
- county children with disabilities education board employee
- cooperative education service agency employee
- bus driver
- volunteer

A school or public health nurse may delegate the administration of medication to personnel without a health care license in the school setting with appropriate training, supervision, and evaluation of school personnel (Wis. Admin. Code sec. N. 6.03(3)).

3. What documentation is required for a school to administer medication?

Written instructions from a medical practitioner, as well as parent or guardian consent, are required for all prescription medication administered to pupils. Practitioner is defined as a physician, dentist, optometrist, physician assistant, advanced practice nurse prescriber, or podiatrist. Administration of over-the-counter medication to a pupil requires written permission and instructions from the pupil's parent or guardian (Wis. Stat. sec. 118.29(2)(1-2)). An assignment of medication administration responsibilities must be authorized in writing by the administrator of the school district, the board or agency, principal, or private school administrator or principal (Wis. Stat. sec.118.29(2)(a)).

4. What are some of the policies and procedures a school is required to develop for administration of medication?

School districts must develop a written policy governing the administration of medication at school. As stated in Wis. Stat. sec. 118.29(4), the policy must include procedures for:

- obtaining and filing the written instructions and consent required for medication administration;
- for periodic review of these instructions;
- storage of medications;
- recordkeeping; and
- for the appropriate instruction of persons who may be authorized to administer medications to pupils in the school setting.

The National Association of School Nurses considers it best practice for a licensed nurse to review all new medication orders for proper dosage, route, and periodicity prior to administering medication to assure the safety of all children.¹

5. What route of medication administration can be given at school?

Route describes the method of administration of medication to the pupil and includes: oral, topical, inhalant, eye, ear, nasal, rectal, intravenous, intramuscular, and subcutaneous. State statute dictates that no employee, other than a health care provider, is required to administer a drug or prescription drug to a pupil by any other means other than ingestion (Wis. Stat. sec. 118.29(5)). An employee may assume the responsibility of giving a medication by non-oral route, if they are willing, appropriate instruction is available (Wis. Stat. sec. 118.29(4)), and it is a task that can be delegated to an employee without a health care license (Wis. Admin. Code sec. N 6.03(3)(a-d)).

6. What is the difference between assignment and delegation of a medication?

School administrators or principals have the authority to assign a school district, county children with disabilities education board, cooperative education services agency employee, or volunteer to administer prescription medications or over-the-counter medications. Assignment must be authorized in writing by the administrator of the school district, school principal, board, or agency (Wis. Stat. sec. 118.29(2)(a)).

Delegation is a legal term referring to the transferring to a competent individual the authority to perform a specific nursing task in a selected situation. The nurse retains accountability for the delegation. The nurse makes a decision regarding the safety of delegating a nursing task to school personnel based on:

- health care needs,
- condition and stability of the student,
- complexity of the task, and
- predictability of the outcomes².

When nurses delegate, they are also responsible for supervision of the delegated act. The responsibilities for delegation are governed by chapter N 6, Standards of Practice for Registered Nurses and Licensed Practical Nurses (Wis. Admin. Code sec. N 6.03(2)(a)). When a nurse supervises unlicensed school personnel to administer medications to students they must:

- determine if the school personnel are competent to perform the administration,
- observe and monitor the administration of those supervised, and
- evaluate the outcome of the administration of the medication.

School nurses and administrator need to know what is involved in delegation of a nursing task

7. Can a school accept telephone orders for a medication from a licensed health care provider or parent?

No. The school medication law specifically states written instructions and consent are required for administration of prescription medication (Wis. Stat. sec. 118.29). School personnel are not permitted to accept verbal or telephone medical provider orders because accuracy can be compromised and, therefore, presents a safety concern. Written instructions and consent can be generated and sent electronically if school personnel maintain the student’s privacy and confidentiality with all transmitted communications. According to the Wisconsin Board of Nursing, a registered nurse (RN) may accept a telephone order for prescription and over-the-counter medications from a licensed health care provider, but not from a parent. A telephone order must be confirmed by a written order by the medical provider (Wis. Admin. Code sec. N 6.03(2)(a)).

8. Does the school medication administration law apply to private schools?

Yes. All requirements listed in Wis. Stat. sec. 118.29 must be followed by private schools. Private school employees and volunteers who are authorized in writing by their administrators or principals may administer medication in the private school setting.

9. Does Wis. Stat. sec. 118.29 address the administration of medication given on an “as needed” or emergency basis?

Yes. The medication law applies to any medication regardless if given “as needed” or on an emergency basis. Over-the-counter drugs require written consent and instructions from a parent or guardian. Prescription medications require written instructions from a licensed health care provider and written consent from the parent or guardian. The written instructions should include under what circumstances the drug is to be administered to the student (Wis. Stat. sec. 118.29(2)(a)).

There are two emergency situations addressed in state law including severe allergic reactions and hypoglycemic events. State law permits an individual to administer epinephrine via an epinephrine auto-injector to a student who appears to be experiencing a severe allergic reaction without written consent or instructions from parent or health care provider. Similarly, the law permits an individual to administer glucagon to a pupil who appears to be experiencing a severe hypoglycemic event (Wis. Stat. sec. 118.29(2)(a)(2r)). The individual who administers the epinephrine or glucagon is required to call—as soon as practical—911; or if 911 is not available, the phone number for an emergency medical service provider.

10. How does the Administration of Drugs to Pupils and Emergency Care Law differ from the Nurse Practice Act?

The school medication law, Wis. Stat. sec. 118.29, is the only Wisconsin law that allows individuals who are not licensed in a health care field to administer prescription medications to non-family members. School administrators may assign school personnel to administer oral medications to students with appropriate training. The medication law requires school districts to develop policies regarding medication administration in school to ensure safety (Wis. Stat. sec. 118.29).

The Nurse Practice Act defines scope of nursing practice in the state of Wisconsin, describing what an RN and licensed practical nurse (LPN) can do and how it must be done (Wis. Stat. Ch. 441). Associated rules for the practice of nursing outline the nurse's responsibilities and the duties associated with the delegation of medication administration to others (Wis. Admin. Code sec. N 6.03(3))².

11. How should the issue of administering medications be handled by school districts when students go on field trips or participate in after-school activities?

School districts must have policies that include protocols for emergency medication administration at all school-sponsored events, including fieldtrips or after school activities (Wis. Admin. Code sec. PI 8.01(2)(g)(2)). The parent or guardian may attend the activity and administer the medication to their child, but the school has the ultimate responsibility to ensure that a responsible individual is available to administer the medication. In addition, a student's 504 Accommodation Plan or special education individual educational plan (IEP) should include a plan for medication administration and provision of health services at all school-sponsored events, so all students can receive a free, appropriate public education.

12. Can an LPN provide school health services as long as supervision is provided nurse by a nurse, physician, podiatrist, dentist, or optometrist?

Yes. A LPN's scope of practice requires they practice under the general supervision and direction of an RN or the direction of physician, dentist, podiatrist, or optometrist. An RN may delegate a task to an LPN provided that the LPN has adequate knowledge to perform the task and the nurse is available for consultation and direction. Delegated tasks must either be part of a student's individualized health care plan that is developed, maintained, and evaluated by a school nurse, or under practice protocols developed by the school nurse and medical advisor. Direction does not necessarily need to be on site, but adequate supervision including, at a minimum, availability by telephone of the registered nurse, physician, podiatrist, dentist, or optometrist is essential (Wis. Admin. Code sec. N 6.04 (1)).

References

1. The National Association of School Nurses Position Statement, *Medication Administration in the School Setting*, June 2003.

2. The National Council of State Boards of Nursing definition of nursing delegation is available at: <https://www.ncsbn.org/323.htm#Definitions>.
3. Wisconsin Administrative Code Chapter N 6, Standards of Practice for Registered Nurses and Licensed Practical Nurses, is available at www.legis.state.wi.us/.
4. Section 504 from the Rehabilitation Act of 1973 is available at <http://www.ed.gov/about/offices/list/ocr/docs/edlite-FAPE504.html>.
5. American Nurses Association paper regarding “*Principles of Delegation*,” page 4, link: <http://www.safestaffingsaveslives.org/WhatIsSafeStaffing/SafeStaffingPrinciples/PrinciplesofDelegation.aspx>.
6. National Council of State Board of Nursing and American Nurses Association, “Joint Statement on Nursing Delegation,” 2006: <https://www.ncsbn.org/1056.htm>.

Wisconsin Statute Section 118.29(2-4)
Administration of Drugs to Pupils and Emergency Care

(2) Authority to administer drugs; civil liability exemption. (a) Notwithstanding chs. 441, 447, 448, and 450, a school bus operator validly authorized under ss. 343.12 and 343.17(3)(c) to operate the school bus he or she is operating, any school employee or volunteer, county children with disabilities education board employee or volunteer or cooperative education service agency employee or volunteer authorized in writing by the administrator of the school district, the board or the agency, respectively, or by a school principal, and any private school employee or volunteer authorized in writing by a private school administrator or private school principal:

1. May administer any drug which may lawfully be sold over the counter without a prescription to a pupil in compliance with the written instructions of the pupil's parent or guardian if the pupil's parent or guardian consents in writing.

2. May administer a prescription drug to a pupil in compliance with the written instructions of a practitioner if the pupil's parent or guardian consents in writing.

2m. Except for epinephrine administered under subd. 2., may use an epinephrine auto-injector to administer epinephrine to any pupil who appears to be experiencing a severe allergic reaction if, as soon as practicable, the school bus operator, employee or volunteer reports the allergic reaction by dialing the telephone number "911" or, in an area in which the telephone number "911" is not available, the telephone number for an emergency medical service provider.

2r. Except for glucagon administered under subd. 2., may administer glucagon to any pupil who appears to be experiencing a severe hypoglycemic event if, as soon as practicable, the school bus operator, employee, or volunteer reports the event to an emergency medical service provider.

3. Is immune from civil liability for his or her acts or omissions in administering a drug or prescription drug to a pupil under subd. 1., 2., 2m., or 2r. unless the act or omission constitutes a high degree of negligence. This subdivision does not apply to health care professionals.

(b) Any school district administrator, county children with disabilities education board administrator, cooperative educational service agency administrator, public or private school principal or private school administrator who authorizes an employee or volunteer to administer a drug or prescription drug to a pupil under par. (a) is immune from civil liability for the act of authorization unless it constitutes a high degree of negligence.

(3) Emergency Care; Civil Liability Exemption. Any school bus operator validly authorized under ss. 343.12 and 343.17(3)(c) to operate the school bus he or she is operating and any public or private school employee or volunteer, county children with disabilities education board employee or volunteer or cooperative educational service agency employee or volunteer, other than a health care professional, who in good faith renders emergency care to a pupil of a public or private school is immune from civil liability for his or her acts or omissions in rendering such emergency care. The immunity from civil liability provided under this subsection is in addition to and not in lieu of that provided under s. 895.48(1).

(4) Written Policies. Any school board, county children with disabilities education board, cooperative educational service agency or governing body of a private school whose employees or volunteers may be authorized to administer drugs or prescriptions drugs to pupils under this section shall adopt a written policy governing the administration of drugs and prescription drugs to pupils. In developing the policy, the school board, board, agency, or governing body shall seek the assistance of one or more appropriate health care professionals who are employees of the school board, board, agency or governing body or are providing services or consultation under s. 121.02(1)(g). The policy shall include procedures for obtaining and filing in the school or another appropriate facility the written instructions and consent required under sub. (2)(a), for the periodic review of such written instructions, for the storing of drugs and prescription drugs, for record keeping and for the appropriate instruction of persons who may be authorized to administer drugs or prescription drugs to pupils under this section.

(5) Exemption. No employee except a health care professional may be required to administer a drug or prescription drug to a pupil under this section by any means other than ingestion.