

1 Title 5. EDUCATION

2 Division 1. State Department of Education

3 Chapter 2. Pupils

4 Subchapter 3. Health and Safety of Pupils

5 Add Article 4.1. to read:

6 Article 4.1. Administration of Medication to Pupils at School

7 § 600. Definitions.

8 For the purposes of this article, the following definitions hereinafter apply:

9 (a) "Regular school day" means the time during which the pupil receives instruction or
10 otherwise participates in activities under the school's or local education agency's auspices and in
11 which other pupils have the opportunity to participate, including but not limited to, field trips,
12 extracurricular and cocurricular activities, before- or after-school programs, camps or other
13 activities that typically involve at least one overnight stay away from home.

14 (b) "Medication" is any substance that: (1) is dispensed in the United States by prescription
15 only; or (2) does not require dispensing by a licensed pharmacist, in which case the authorized
16 health care provider's written statement must clearly identify the name of the medication in such
17 a way as to distinguish that medication from any similar medications with which it may be
18 confused and specifying the strength of the principal active ingredient(s). Such medication that
19 does not require dispensing may include, but is not limited to, over-the-counter remedies,
20 nutritional supplements, and herbal remedies.

21 (c) "Prescription" means a written direction for the administration of medication to a pupil that
22 is signed by the pupil's authorized health care provider.

23 (d) "Authorized health care provider" means a person who possesses an active, current
24 California medical license and who prescribes medications as permitted by California law and
25 within his/her scope of practice for administration to pupils. Authorized health care providers
26 only include INCLUDE ONLY:

27 (1) Physicians and osteopaths;

28 (2) Dentists;

29 (3) Podiatrists;

30 (4) Optometrists;

31 (5) Nurse practitioners and nurse midwives who have been assigned furnishing numbers by

1 the Board of Registered Nursing; and function under standardized procedures as defined by
2 Business and Professions Code section 2725; and

3 (6) Physician assistants who have been assigned furnishing numbers; and function under a
4 physician’s supervision and written protocols.

5 (e) “School nurse” is a currently licensed registered nurse who is credentialed pursuant to
6 Education Code section 44877.

7 (f) “Designated school personnel” means an individual or more than one individual employed
8 by the local education agency and meeting all of the following criteria:

9 (1) Consented to render assistance to the pupil in accordance with the authorized health care
10 provider’s written statement;

11 (2) Received approval of the schoolsite administrator to provide the assistance; and either

12 (3) Where possible, is a school nurse or another individual employed by the local education
13 agency who holds a current professional license authorizing the rendering of assistance to a pupil
14 who is required to take medication; or

15 (4) Where not a school nurse or other license holder as specified in paragraph (3):

16 (A) Received training in the rendering of assistance to the pupil by the pupil’s ~~physician~~
17 AUTHORIZED HEALTH CARE PROVIDER; BY A DULY QUALIFIED SUPERVISOR OF
18 HEALTH WITH PARENT/GUARDIAN CONSENT; or by a trainer mutually agreed upon by
19 the schoolsite administrator, the parent/guardian, and the pupil’s authorized health care provider
20 as being capable of providing the training. If deemed necessary by the individual performing the
21 training, the training may also include instruction from another party, e.g. training to perform
22 cardiopulmonary resuscitation (CPR), whom the trainer determines to be qualified. The training
23 is typically to include the appropriate administration, handling, and storage of the medication;
24 and

25 (B) Is supervised as deemed necessary by the individual who performs the training pursuant
26 to paragraph (4)(A). Supervision may include, but is not limited to, direct observation or
27 periodic communication by telephone or other electronic means.

28 (g) “Schoolsite administrator” means the school’s principal or his or her designee.

29 (h) “Parent/guardian” means the parent or guardian who has legal custody of the pupil.

30 (i) “Authorized health care provider’s written statement” means the written statement
31 specified in Sections 601(a) and 602.

1 (j) “Parent/guardian consent” means the written statement specified in Sections 601(b) and
2 603.

3 (k) “Medication log” is a form developed by the local education agency for the
4 documentation of medication administration during school. The medication log shall include,
5 but not be limited to, the following information:

6 (1) Pupil’s name;

7 (2) Name of medication to be administered;

8 (3) Dose of medication;

9 (4) Method of medication administration;

10 (5) Time the medication is to be administered during the regular school day;

11 (6) Date of medication authorization;

12 (7) Authorizing health care provider’s name and contact information; and

13 (8) A space for daily recording of medication administration, which includes the date
14 medication is administered, time of administration, amount administered, and initials of the
15 designated school personnel administering the medication.

16 (l) “DULY QUALIFIED SUPERVISOR OF HEALTH” MEANS AN EMPLOYEE OR
17 CONTRACT EMPLOYEE OF THE LOCAL EDUCATION AGENCY (IF ANY) WHO IS
18 EITHER A PHYSICIAN AND SURGEON OR A SCHOOL NURSE, AND WHO IS
19 RECOGNIZED BY THE LOCAL EDUCATION AGENCY AS SERVING IN THE
20 CAPACITY OF DULY QUALIFIED SUPERVISOR OF HEALTH.

21 NOTE: Authority cited: Section 49423.6, Education Code. Reference: Sections 2746.1, 2836.1,
22 4040 and 4174, Business and Professions Code; Sections 44873, 44877 AND 49423, Education
23 Code.

24 **§ 601. Requirements for Prescription Medication Administration.**

25 A pupil may receive medication during the regular school day when all of the following
26 conditions are met:

27 (a) A written statement from the pupil’s authorized health care provider, as described in
28 Section 602, has been received by the schoolsite administrator.

29 (b) A written statement of consent from the pupil’s parent/guardian, as described in Section
30 603, has been received by the schoolsite administrator.

31 NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423,

1 Education Code.

2 **§ 602. Written Statement of Authorized Health Care Provider.**

3 (a) The written statement from the pupil's authorized health care provider shall include all of
4 the following:

5 (1) Pupil's name and date of birth;

6 (2) Name of the medication, as defined in Section 600(b), to be administered and reason for
7 administration;

8 (3) Dose of the medication;

9 (4) Method of medication administration, including whether the medication:

10 (A) Requires intravenous administration BY INJECTION, or

11 (B) HAS THE POTENTIAL FOR IMMEDIATE SEVERE ADVERSE REACTION THAT
12 WOULD REQUIRE a nursing assessment or dosage adjustment prior to administration;

13 (5) IF THE MEDICATION IS OF THE TYPE DESCRIBED IN SUBPARAGRAPH (A) OR
14 (B) OF PARAGRAPH (4), WHETHER THE MEDICATION MAY BE ADMINISTERED BY
15 DESIGNATED SCHOOL PERSONNEL WHO ARE NOT SCHOOL NURSES OR
16 INDIVIDUALS WHO OTHERWISE HOLD A CURRENT PROFESSIONAL LICENSE
17 AUTHORIZING THE RENDERING OF ASSISTANCE TO PUPILS WHO ARE REQUIRED
18 TO TAKE MEDICATION.

19 (5)(6) Time the medication is to be administered during the regular school day;

20 (6)(7) Possible Side effects OF WHICH THE SCHOOL NURSE OR DESIGNATED
21 SCHOOL PERSONNEL SHOULD BE AWARE, including side effects THOSE that may impact
22 student learning or behavior;

23 (7)(8) For medication prescribed on an as needed basis, the symptoms that make
24 administration necessary and the allowable frequency of administration;

25 (8)(9) For medication that is to be self-administered by the pupil, a statement that, in the
26 opinion of the authorized health care provider, the pupil is competent to safely self-administer
27 the medication as directed by the authorized health care provider;

28 (9)(10) Name, address, telephone number, and signature of the authorized health care
29 provider; and

30 (10)(11) If the authorized health care provider is a nurse practitioner, nurse midwife, or
31 physician assistant, the written statement shall also include the authorized health care provider's

1 furnishing number and name of supervising physician.

2 (b) The pupil's parent/guardian is responsible for obtaining and providing the school with the
3 authorized health care provider's written statement as described in subdivision (a).

4 (c) A new written statement must be provided annually and whenever there is a change in
5 medication, dosage, method or time of administration, or authorized health care provider
6 prescribing the medication.

7 NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423,
8 Education Code.

9 **§ 603. Parent/Guardian Consent.**

10 (a) Before medication may be administered to a pupil during the regular school day by
11 designated school personnel, the pupil's parent/guardian must provide the local education
12 agency, through the schoolsite, a written statement of consent to the administration of medication
13 as described in the authorized health care provider's written statement. When necessary,
14 reasonable accommodations are to be provided to a parent/guardian who has insufficient English
15 language proficiency to produce a written statement or who has a disability that makes it difficult
16 to produce a written statement.

17 (b) The statement of consent by the parent/guardian must include approval of communication
18 between the schoolsite administrator or his or her designee and the authorized health care
19 provider with regard to the authorized health care provider's written statement.

20 (c) Statements of consent required, or forms developed by local education agencies to obtain
21 a parent/guardian consent under subsection (a), shall be specifically limited to authorization for
22 communication by the authorized health care provider of information that is directly related to
23 the authorized health care provider's written statement for administration of medication.

24 (d) A new written consent must be provided annually or any time when there is a new written
25 statement from the authorized health care provider.

26 (e) The parent/guardian may terminate the consent to administer medication during the
27 regular school day. A written statement of termination must be submitted to the schoolsite
28 administrator.

29 NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423,
30 Education Code.

31

1 **§ 604. Persons Authorized To Administer Medication at School.**

2 ~~(a) Medication may be administered during the regular school day by designated school~~
3 ~~personnel, including administration by subcutaneous injection. If the designated school~~
4 ~~personnel are individuals other than school nurses or persons who hold a current professional~~
5 ~~license authorizing the rendering of assistance to a pupil who is required to take medication, they~~
6 ~~may not administer medications which the written statement described in Section 602 specifies~~
7 ~~are to be administered intravenously, or has the potential for immediate severe adverse reactions~~
8 ~~that would require a nursing assessment or dosage adjustment prior to administration.~~

9 CONSISTENT WITH THE AUTHORIZED HEALTH CARE PROVIDER'S WRITTEN
10 STATEMENT AS DESCRIBED IN SECTION 602 AND, IF APPLICABLE, SUBJECT TO
11 TRAINING PURSUANT TO PARAGRAPH (4) OF SUBDIVISION (f) OF SECTION 600,
12 DESIGNATED SCHOOL PERSONNEL MAY ADMINISTER MEDICATION DURING THE
13 REGULAR SCHOOL DAY. When an Individualized Education Program, prepared in
14 accordance with applicable provisions of the federal Individuals with Disabilities Education Act
15 and Part 30 (commencing with Section 56000) of the Education Code, or a Section 504
16 Accommodation Plan, prepared in accordance with applicable provisions of the federal
17 Rehabilitation Act of 1973, provides for the administration of medication to a pupil, those
18 provisions shall be implemented, and nothing in this article shall be interpreted as interfering
19 with the implementation of those provisions.

20 (b) The pupil's parent/guardian or his/her designee may, but shall not be required to,
21 administer medication to the pupil during the regular school day. A parent/guardian who opts
22 CHOOSES to administer medication TO HIS/HER CHILD during the regular school day may do
23 so only under the following conditions:

24 (1) The parent/guardian administers the medication, or the parent/guardian designates an
25 individual to administer the medication to his/her pupil during the regular school day, as long as
26 there is no legal reason that would otherwise exclude such individual from being on a school
27 campus or accompanying pupils on an activity as specified in Section 600(a), and the
28 parent/guardian provides a written statement to the schoolsite administrator that identifies the
29 individual who will be administering the medication to the pupil; and

30 (2) All medications administered during the regular school day by the pupil's parent/guardian
31 or designee are administered in accordance with local education agency policies and procedures

1 for safety and privacy as provided to the pupil's parent/guardian by the school.

2 (3) IF THE INDIVIDUAL THE PARENT/GUARDIAN DESIRES TO DESIGNATE IS AN
3 EMPLOYEE OF THE LOCAL EDUCATION AGENCY, THEN THE DESIGNATION SHALL
4 BE SUBJECT TO APPROVAL BY THE SCHOOLSITE ADMINISTRATOR PRIOR TO
5 BECOMING EFFECTIVE. THE LOCAL EDUCATION AGENCY SHALL ADOPT POLICY
6 ON ITS EMPLOYEES SERVING AS PARENT/GUARDIAN DESIGNEES IN ORDER TO
7 GUIDE THE SCHOOLSITE ADMINISTRATOR'S DECISIONS.

8 NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423, AND
9 PART 30 (COMMENCING WITH SECTION 56000), Education Code.

10 **§ 605. Pupil Self-Administration of Medications in School.**

11 (a) Pupils may self-administer medications during the regular school day, pursuant to the
12 authorized health care provider's written statement, and with the consent of the pupil's
13 parent/guardian. Pupils with chronic health conditions such as, including but not limited to,
14 asthma, diabetes, or severe allergies, may have the necessary medication in their possession and
15 may self-administer such medication during the regular school day. The parents/guardians of the
16 pupils must agree that the pupils will self-administer the medication pursuant to the authorized
17 health care provider's written statement. The school shall provide the parents/guardians of pupils
18 who self-administer medication with any local education agency policies and procedures for
19 safety, appropriate administration, and privacy, and the parents/guardians of the pupils must
20 agree that the pupils will self-administer the medication in accordance with such policies and
21 procedures.

22 (b) The local education agency shall develop policies and procedures for determining when a
23 schoolsite administrator may determine that a pupil who requires medications should not be
24 allowed to self-administer medication, in order to preserve the health and safety of the pupil who
25 requires medications and for all pupils and staff at the school.

26 (c) The local education agency must ensure, at a minimum, all of the following, regarding
27 pupil self-administration of medication:

28 (1) The school has received the authorized health care provider's written statement, and the
29 parent/guardian consent for the pupil to self-administer ~~their~~HIS/HER medications during the
30 regular school day;

31 (2) The designated school personnel will confer with the parent/guardian to determine the

1 level of supervision and monitoring needed by the pupil;

2 (3) The designated school personnel discusses issues in an age appropriate manner with the
3 pupil self-administering his/her medication to identify individual needs for school
4 accommodations;

5 (4) The pupil is provided an appropriate level of privacy based on his/her individual needs;
6 and

7 (5) The designated school personnel will be available to provide assistance to the pupil as
8 necessary.

9 NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423,
10 Education Code.

11 **§ 606. Delivery and Storage of Medication at School.**

12 The local education agency must ensure, at a minimum, all of the following, regarding the
13 delivery and storage of medication (EXCEPT MEDICATION THAT IS SELF-
14 ADMINISTERED) during the regular school day:

15 (a) Parents/guardians are informed that:

16 (1) Medications that are dispensed by prescription only must BE filled by a pharmacist
17 licensed in a State of the United States of America;

18 (2) Medications must be delivered to the schoolsite administrator or the designated school
19 personnel BY THE PARENT/GUARDIAN OR HIS/HER DESIGNEE in the container labeled
20 by a licensed pharmacist and in a manner that is consistent with the authorized health care
21 provider's written statement, with a separate labeled container for each medication; and

22 (3) Medications that do not require dispensing by a pharmacist, but that are prescribed by the
23 authorized health care provider must be delivered to the schoolsite administrator or the
24 designated school personnel in the original container BY THE PARENT/GUARDIAN OR
25 HIS/HER DESIGNEE.

26 (b) Medications are stored in a manner that is secure and maintains their effectiveness.

27 NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423,
28 Education Code.

29 **§ 607. Documentation of Medication Administration in School.**

30 The local education agency must ensure, at a minimum, all of the following, regarding
31 documentation of medication administration (EXCEPT FOR SELF-ADMINISTRATION) in

1 school:

2 (a) Pupil confidentiality IS APPROPRIATELY MAINTAINED:

3 (b) An individual medication log as defined in Section 600(k) is maintained for each pupil,
4 for each medication administered; and

5 (c) The date and time of each administration of medication is recorded in the pupil's
6 medication log and signed by the designated school personnel administering the medication.

7 NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423,
8 Education Code.

9 **§ 608. Errors in Medication Administration in School.**

10 Any material or significant deviation from the authorized health care provider's written
11 statement, such as the administration of the wrong medication or the failure to administer
12 medication, must be reported as quickly as possible upon discovery to the schoolsite
13 administrator or his or her designee and to the parent/guardian. If it is determined to be
14 necessary, the schoolsite administrator or his or her designee will notify the authorized health
15 care provider.

16 NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423,
17 Education Code.

18 **§ 609. Disposal of Unused, Discontinued and Outdated Medication at School.**

19 The local education agency must ensure, at a minimum, that:

20 (a) Discontinued, and outdated medication are returned immediately and directly to the
21 parent/guardian or his/her designee;

22 (b) At the end of the school year, all unused medications are returned to the parent/guardian
23 or his/her designee; and

24 (c) Medications not claimed are disposed of in accordance with applicable state and local
25 laws.

26 NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423,
27 Education Code.

28 **§ 610. Medication Provided Pursuant to an Individualized Education Program or Section**
29 **504 Plan.**

30 — This article does not apply to the providing of medication to a pupil pursuant to an
31 Individualized Education Program prepared in accordance with applicable provisions of the

1 ~~federal Individuals with Disabilities Education Act and Part 30 (commencing with Section~~
2 ~~56000) of the Education Code, or a Section 504 Accommodation Plan, prepared in accordance~~
3 ~~with applicable provisions of the federal Rehabilitation Act of 1973.~~

4 ~~NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423, and Part~~
5 ~~30 (commencing with 56000), Education Code.~~

6 **§ 611610. Emergency Epinephrine Auto-Injectors.**

7 This article does not apply to the use of NON-PRESCRIBED emergency epinephrine auto-
8 injectors by employees of a local educational agency which is governed by the specific
9 provisions set forth in Education Code section 49414. TO THE EXTENT THAT ANY
10 DISCREPANCY ARISES IN SPECIFIC CIRCUMSTANCES BETWEEN THIS ARTICLE
11 AND THE PROVISIONS OF EDUCATION CODE SECTION 49414 REGARDING THE USE
12 OF EMERGENCY EPINEPHRINE AUTO-INJECTORS, THE PROVISIONS OF
13 EDUCATION CODE SECTION 49414 SHALL PREVAIL.

14 ~~NOTE: Authority cited: Section 49423.6, Education Code. Reference: Sections 49414 and~~
15 ~~49423, Education Code.~~

16 **§ 612611. Applicability of this Article.**

17 This article applies to a school district only to the extent that Education Code section 49423
18 creates an obligation on the part of a local education agency to provide assistance to a pupil who
19 is required to take, during the regular school day, medication prescribed for him or her by an
20 authorized health care provider. Beyond that, this article is exemplary.

21 ~~NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423,~~
22 ~~Education Code.~~

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