



CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 21

MAY 2003 AGENDA

SUBJECT Title 5 Regulations on Administration of Medication to Pupils at Public Schools	X	ACTION
		INFORMATION
		PUBLIC HEARING

Recommendation:

The State Board of Education approve new proposed regulations for 45-day public comment and review.

Summary of Previous State Board of Education Discussion and Action

The rule-making process for regulations relating to the administration of medication to pupils in the public schools was initiated at the November 2002 meeting of the State Board of Education. The Board approved the proposed regulations, and the subsequent 45-day public review period culminated in a public hearing at the February 2003 meeting. At that meeting, a set of amendments to the original proposal, based on public comments received, was approved and sent out for 15-day public review. At the April 2003 SBE meeting, members were advised that due to public comments received as well as recently voiced concerns about the proposed regulations from the Board of Registered Nursing and the Department of Finance, another draft of the proposed regulations had been developed. Because the current revisions are too extensive to qualify as amendments to the original proposal, CDE was advised to withdraw the existing rule-making effort and begin anew. Board members received a copy of the Notice of Decision Not to Proceed.

Summary of Key Issue(s)

Education Code section 49423.6 requires CDE to develop and the SBE to adopt regulations regarding the administration of medication in the public schools pursuant to Section 49423. The regulations provide guidance on who may administer medications to pupils during the regular school day, under what conditions such administration may occur, and the requirements for the delivery, administration documentation, and disposal of medications.

Among the key issues relating to the regulations are 1) the extent of legal authority for individuals who do not possess professional health care licenses to administer medication, and 2) at what point the regulations would create an unfunded state mandated local program.

A Notice of Decision Not to Proceed was made available to the public on April 4, 2003. After Board approval, a new Notice of Proposed Rulemaking will be filed with the Office of Administrative Law to announce a public hearing regarding the new version of the regulations.

Fiscal Analysis (as appropriate)

N/A

Attachment(s) to this Agenda Item

(Please indicate if additional material will be provided in the supplemental agenda)

Attachments: (A) [Proposed regulations](#); (B) [Notice of Proposed Rulemaking](#), (C) [Initial Statement of Reasons](#)

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Title 5. EDUCATION

Division 1. State Department of Education

Chapter 2. Pupils

Subchapter 3. Health and Safety of Pupils

Add Article 4.1. to read:

Article 4.1. Administering Medication to Pupils or Otherwise Assisting Pupils in the Administration of Medication During the Regular School Day.

§ 600. Authorization.

Pursuant to Section 49423 and subdivision (b) of Section 49423.6 of the Education Code, any pupil who is required to take, during the regular school day, prescribed medication may be assisted by a school nurse or other designated school personnel if both of the following conditions are met:

(a) The pupil’s authorized health care provider executes a written statement specifying, at a minimum, the medication the pupil is to take, the dosage, and the period of time during which the medication is to be taken, as well as otherwise detailing (as may be necessary) the method, amount, and time schedule by which the medication is to be taken.

(b) The pupil’s parent or legal guardian provides a written statement initiating a request to have the medication administered to the pupil or to have the pupil otherwise assisted in the administration of the medication, in accordance with the authorized health care provider’s written statement.

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

§ 601. Definitions.

As used in Section 49423 and subdivision (b) of Section 49423.6 of the Education Code and in this article:

(a) “Regular school day” may include not only the time the pupil receives instruction, but also the time during which the pupil otherwise participates in activities under the auspices of the local education agency, such as field trips, extracurricular and cocurricular activities, before- or after-school programs, and camps or other activities that typically involve at least one overnight stay away from home.

1 (b) “Medication” may include not only a substance dispensed in the United States by
2 prescription, but also a substance that does not require a prescription, such as over-the-counter
3 remedies, nutritional supplements, and herbal remedies.

4 (c) “School nurse” means an individual employed by the local education agency who is a
5 currently licensed registered nurse and is credentialed pursuant to Education Code section 44877.

6 (d) “Other designated school personnel” may include any individual employed by the local
7 education agency who:

8 (1) Has consented to administer the medication to the pupil or otherwise assist the pupil in
9 the administration of medication; and

10 (2) May legally administer the medication to the pupil or otherwise assist the pupil in the
11 administration of the medication.

12 (e) “Authorized health care provider” means an individual who is licensed by the State of
13 California to prescribe medication.

14 (f) “Parent or legal guardian” means the individual recognized by the local education agency
15 as having authority to make medical decisions for the pupil.

16 (g) “Medication record” may include:

17 (1) The authorized health care provider’s written statement;

18 (2) The written statement of the parent or legal guardian;

19 (3) The medication log; and

20 (4) Any other written documentation related to the administration of the medication to the
21 pupil or otherwise assisting the pupil in the administration of the medication.

22 (h) “Medication log” may consist of a form developed by the local education agency for the
23 documentation of the administration of the medication to the pupil or otherwise assisting the
24 pupil in the administration of the medication. The medication log may include the following:

25 (1) Pupil’s name;

26 (2) Name of medication the pupil is required to take;

27 (3) Dose of medication;

28 (4) Method by which the pupil is required to take the medication;

29 (5) Time the medication is to be taken during the regular school day;

30 (6) Date(s) on which the pupil is required to take the medication;

31 (7) Authorized health care provider’s name and contact information; and

1 (8) A space for daily recording of medication administration to the pupil or otherwise
2 assisting the pupil in administration of the medication, such as date, time, amount, and signature
3 of the individual administering the medication or otherwise assisting in administration of the
4 medication.

5 NOTE: Authority cited: Section 49423.6, Education Code. Reference: Sections 44877 and
6 49423, Education Code.

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

8 (a) A local education agency may establish specifications for the authorized health care
9 provider's written statement in order to ensure that:

10 (1) The pupil is clearly identified.

11 (2) The medication is clearly identified.

12 (3) The dosage is clearly specified.

13 (4) The period of time during which the medication is to be taken is clearly specified.

14 (5) Other information is obtained that is relevant to administering the medication to the pupil
15 or otherwise assisting the pupil in administration of the medication.

16 (b) A pupil's parent or legal guardian may deliver the authorized health care provider's
17 written statement to an authorized representative of the local education agency, such as the
18 schoolsite administrator or his or her designee.

19 (c) A local education agency may required that an amended or new written statement be
20 provided annually and whenever there is a change in the pupil's authorized health care provider,
21 or a change in the medication, dosage, method by which the medication is required to be taken,
22 or date(s) or time(s) the medication is required to be taken.

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

25 **§ 603. Written Statement of the Parent or Legal Guardian.**

26 (a) A local education agency may establish specifications for the written statement of the
27 pupil's parent or legal guardian in order to ensure that:

28 (1) The pupil is clearly identified.

29 (2) Permission is granted for an authorized representative of the local education agency to
30 communicate directly with the pupil's authorized health care provider, as may be necessary,
31 regarding the authorized health care provider's written statement.

32 (3) The parent or legal guardian understands what employees of the local agency will do to

1 administer the medication to the pupil or otherwise assist the pupil in the administration of the
2 medication.

3 (4) The parent or legal guardian understands his or her responsibilities to enable employees
4 of the local education agency to administer the medication to the pupil or otherwise assist the
5 pupil in administration of the medication, e.g., to ensure that a current authorized health care
6 provider's written statement has been delivered to an authorized representative of the local
7 education agency, or to ensure that the medication is delivered to the schoolsite in a proper
8 container by an individual legally authorized to be in possession of the medication.

9 (5) The parent or legal guardian understands how he or she may terminate consent for
10 administration of the medication to the pupil or otherwise assisting the pupil in the
11 administration of the medication.

12 (b) A local education agency may provide reasonable accommodations to a parent or legal
13 guardian who has insufficient English language proficiency to produce a written statement
14 without assistance or who has a disability that makes it difficult to produce a written statement.

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

17 **§ 604. Administration of Medication to Pupils or Otherwise Assisting Pupils in the**
18 **Administration of Medication.**

19 (a) A school nurse may administer medication to a pupil or otherwise assist a pupil in the
20 administration of medication as allowed by law and in keeping with applicable standards of
21 professional practice.

22 (b) Other designated school personnel may administer medication to pupils or otherwise
23 assist pupils in the administration of medication as allowed by law and, if they are licensed
24 health care professionals, in keeping with applicable standards of professional practice for their
25 license.

26 (c) The pupil's parent or legal guardian may administer medication to the pupil or otherwise
27 assist the pupil in the administration of medication as allowed by law.

28 (d) An individual designated to do so by the parent or legal guardian may administer
29 medication to the pupil or otherwise assist the pupil in the administration of medication as
30 allowed by law. A local education agency may establish rules governing the designation of an
31 individual by a parent or legal guardian in order to ensure that:

32 (1) The individual is clearly identified;

1 (2) The individual is willing to accept the designation;

2 (3) The individual being designated is permitted to be present on the school site;

3 (4) Any limitations on the individual's authority in his or her capacity as designee are clearly
4 established; and

5 (5) The individual's service as a designee would not be inconsistent or in conflict with his or
6 her employment responsibilities, if the individual being designated is employed by the local
7 education agency.

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

10 **§605. Self-Administration of Medication.**

11 With the approval of the pupil's authorized health care provider and the approval of the
12 pupil's parent or legal guardian, a local education agency may allow a pupil to carry medication
13 and to self-administer the medication. A local agency may establish rules governing self-
14 administration in order to protect the health and safety both of the pupil and of the whole student
15 body and staff at the schoolsite. Through such rules, a local education agency may describe
16 circumstances under which self-administration may be prohibited.

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

19 **§ 606. Delivery and Storage of Medication.**

20 A local education agency may establish policies governing the delivery of medication to the
21 schools site (other than medication a pupil is allowed to carry for purposes of self-administration),
22 as well as the storage of medication in a manner that is secure and maintains the medication's
23 effectiveness.

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

26 **§ 607. Documentation.**

27 A local education agency may establish policies regarding documentation of the
28 administration of medication to pupils or otherwise assisting pupils in the administration of
29 medication in order to ensure that:

30 (a) Pupil confidentiality is appropriately maintained;

31 (b) A medication record is maintained for each pupil to whom medication is administered or
32 other assistance is provided in the administration of medication; and

1 (c) An appropriate record is kept of pupils who are allowed to carry and self-administer
2 medication.

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

5 **§608. Deviation from Authorized Health Care Provider’s Written Statement.**

6 A local education agency may establish policies regarding any material or significant
7 deviation from the authorized health care provider’s written statement in order to ensure that, as
8 quickly as possible upon discovery, appropriate notification of the deviation is made:

9 (a) In accordance with applicable standards of professional practice, if the discovery is made
10 by a licensed health care professional; or

11 (b) To the schoolsite administrator, the pupil’s parent or legal guardian, an employee of the
12 local education agency who is a licensed health care professional (if any), and the pupil’s
13 authorized health care provider, if the discovery is made by an individual who is not a licensed
14 health care professional.

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

17 **§609. Unused, Discontinued and Outdated Medication.**

18 A local education agency may establish policies regarding unused, discontinued, and
19 outdated medication in order to ensure that:

20 (a) Such medication is returned to the pupil’s parent or legal guardian where possible;

21 (b) Such medication that cannot be returned to the pupil’s parent or legal guardian is
22 disposed of by the end of the school year in accordance with applicable law.

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

25 **§610. Applicability of this Article.**

26 Nothing in this article may be interpreted as creating a state-mandated local program or as
27 affecting the following in any way:

28 (a) The statutes, regulations, or standards of practice governing any health care professional
29 licensed by the State of California in the carrying out of activities authorized by the license.

30 (b) The statutes or regulations governing the administration of medication to pupils or
31 otherwise assisting pupils in the administration of medication by individuals who are not

1 licensed health care professionals, other than Section 49423 and subdivision (b) of Section
2 49423.6 of the Education Code.

3 (c) The use of emergency epinephrine auto-injectors pursuant to Section 49414 of the
4 Education Code.

5 (d) The content or implementation of a pupil's individualized education program prepared in
6 accordance with applicable provisions of federal and state law, or a pupil's Section 504
7 Accommodation Plan prepared in accordance with applicable provisions of the federal
8 Rehabilitation Act of 1973.

9 NOTE: Authority cited: Section 49423.6, Education Code. Reference: Sections 49414, 49423,
10 and Part 30 (commencing with 56000), Education Code.

11 **§ 611. Issuance and Periodic Updating of Advisory.**

12 The California Department of Education, with the approval of the State Board of Education,
13 may issue and periodically update an advisory providing non-binding guidance on the
14 administration of medication to pupils and otherwise assisting pupils in the administration of
15 medication.

16 NOTE: Authority cited: Section 33031, Education Code Reference: Section 33308.5,
17 Education Code.

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STATE OF CALIFORNIA

GRAY DAVIS, Governor

CALIFORNIA STATE BOARD OF EDUCATION1430 N Street; P.O. Box 944272
Sacramento, CA 95814-5901**TITLE 5. EDUCATION****CALIFORNIA STATE BOARD OF EDUCATION****NOTICE OF PROPOSED RULEMAKING****Administration of Medication to Pupils at School**

[Notice published May 23, 2003]

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

The State Board will hold a public hearing beginning at **9:00 a.m. on Thursday, July 10, 2003**, at 1430 N Street, Room 1101, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Adoption Coordinator of such intent. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Adoption Coordinator. The written comment period ends at **5:00 p.m. on Monday, July 7, 2003**. The Board will consider only written comments received by the Regulations Adoption Coordinator or at the Board Office by that time (in addition to those comments received at the public hearing). Written comments for the State Board's consideration should be directed to:

Debra Strain, Regulations Adoption Coordinator
California Department of Education
LEGAL DIVISION
1430 N Street, Room 5319
Sacramento, California 94244-2720
Telephone : (916) 319-0641 FAX: (916) 319-0155
E-mail: medregs@cde.ca.gov

AUTHORITY AND REFERENCE

Authority: Sections 33031 and 49423.6, Education Code.

Reference: Section 49423, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Department of Education (CDE) has received and responded to concerns and issues from school administrators, parents, physicians, school nurses, and community agencies regarding medication administration in schools. Education Code section 49423 provides statutory authority for provision of

medication administration in California schools. The language of Education Code section 49423 has been interpreted as permissive and subsequently has resulted in the denial of these services to some pupils. Further, the Education Code currently does not provide statutes for implementation.

In April 1995, a representative group of parents and community agencies presented their concerns regarding the health and safety of students to the Commission on Special Education (Commission) due to the denial of medication administration and health care services in the schools as prescribed by physicians, lack of training for school staff designated to provide these services, and lack of supervision of school staff providing these services. In response to these concerns, the Commission requested that CDE issue an advisory to local education agencies regarding medication administration in school. CDE issued an advisory in September 1997.

From March 1998 to August 2000, CDE continued to receive many calls from school districts, parents, physicians, and school nurses regarding concerns and questions regarding medication administration in school. CDE developed a Q&A page on its web site to address these questions (<http://www.cde.ca.gov/spbranch/sed/healthup/meds1.htm>).

Senate Bill 1549 was signed by the Governor on August 31, 2000. This bill added Section 49423.6 to the Education Code and required regulations be developed by June 15, 2001, regarding the administration of medication in the public schools. The bill required that the regulations be developed in consultation with parents, representatives of the medical and nursing professions, and others jointly designated by the Superintendent of Public Instruction, the Advisory Commission on Special Education, and the Department of Health Services.

The Medications Committee (Committee) was convened to begin developing regulations. The Committee used current standards of health care practice, and input from parents, physicians, school nurses, school administration staff, and community agencies to develop these regulations.

The Committee also considered information received from phone calls received by CDE from school districts seeking guidance on various problems and constraints related to medication administration services. Rural school districts, state border school districts, districts with few school nurses, and districts without school nurses face unique challenges in administering medications. In addition some districts raised issues related to the challenge of administering medications using different methods and with new technologies never before encountered in the school environment. The need for direction in the provision of over-the-counter medication administration in schools was also brought to the attention of the Committee, and has surfaced through proposed legislation. There is no specific statutory authority, however, upon which to base regulations for the administration of non-prescribed over-the-counter medications, and therefore these proposed regulations do not cover non-prescribed over-the-counter medications.

These various issues that needed addressing required the Committee to conduct extensive research, review more standards of healthcare practice for accommodating these needs in schools, and resulted in a request for an extension of time for completion of regulations for consideration by the State Board of Education. The regulations were further delayed in order to address fiscal issues, and specific issues raised to the State Board.

These proposed regulations for the *Administration of Medication to Pupils at School* provides clarification for implementing Education Code section 49423. Specifically, these regulations clarify who may administer medications to pupils requiring medication during the regular school day, under what conditions such administration of medications may occur, and the requirements for the delivery, administration documentation, and disposal of medications.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Costs to any local agency or school district which must be reimbursed in accordance with Government Code section 17561: None

Other non-discretionary cost or savings imposed on local educational agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The State Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

Affect on small businesses: There will have no affect on small businesses because they only provide clarity for schools on a permissive statute related to medication administration during the regular school day.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations should be directed to:

Linda Davis-Alldritt, Consultant
California Department of Education
School Health Connections
1430 N Street, Suite 6408
Sacramento, CA 95814
E-mail: medregs@cde.ca.gov
Telephone: (916) 319-0284

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to Debra Strain, Regulations Adoption Coordinator, or to the backup contact person, Natalie Vice, at (916) 319-0642.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Adoption Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this notice. If the State Board makes modifications which are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) available to the public for at least 15 days before the State Board adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Adoption Coordinator at the address indicated above. The State Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and the Final Statement of Reasons, can be accessed through the California Department of Education's website at <http://www.cde.ca.gov/regulations>.

INITIAL STATEMENT OF REASONS

SECTIONS 600 – 611.

SPECIFIC PURPOSE OF THE REGULATION

The proposed regulations will provide clarification for implementing Education Code section 49423. Specifically, the regulations clarify who may administer medications to pupils requiring medication during the regular school day, under what conditions such administration of medications may occur, and the requirements for the delivery, administration documentation, and disposal of medications.

NECESSITY/RATIONALE

Education Code section 49423.6 specifically requires the State Board of Education to adopt regulations regarding the administration of medication in the public schools pursuant to Education Code section 49423. Currently confusion exists regarding the of application of Education Code section 49423, and local education agencies, parents/guardians, and pupils are seeking and would benefit from clarification of the requirements related to the administration of medications to pupils during the regular school day.

Section 600. Authorization.

Education Code section 49423.6, Subdivisions (a), (b), and (c) states that medication must be prescribed by a physician. Current law allows medication to be prescribed by authorized health care providers (Business and Professions Code, sections 2746.51, 2836.1, 4040, 4174).

Note: Authority cited: Section 49423.6 Education Code. Reference: Section 49423, Education Code.

Section 601. Definitions.

Subsection (e) – Education Code section 49423.6, subdivision (b) states that medication must be prescribed by a physician or other authorized medical personnel. California law authorizes medication to be prescribed by authorized health care providers including: physicians, osteopaths, dentists, podiatrists, and optometrists who have an active, current, California license; nurse practitioners and nurse midwives who have been assigned furnishing numbers, possess an active, current, California license, and function under standardized procedures as defined by Business and Professions Code section 2725; and physician assistants who have been assigned furnishing numbers, possess an active, current, California license, and function under a physician’s supervision and written protocols.

Note: Authority cited: Section 49423.6 Education Code. Reference: Section 49423, Education Code.

Section 602. Written Statement of Authorized Health Care Provider.

Subsection (a)(1) - The clear identification of the pupil identifies for whom the medication is authorized.

Subsection (a)(2) - The clear identification of the medication identifies what needs to be administered. The name of the medication is needed for identification and the reason for administration provides information for expected outcomes.

Subsection (a)(3) - The amount or dose of medication prescribed is required for correct administration of the authorized medication.

Subsection (a)(4) – The period of time during which the medication is to be taken is required for the correct administration of the authorized medication and is required by Section 49423.

Subsection (a)(5) – Other information may be necessary to provide information for expected outcomes, possible adverse reactions to the medication, the need for medical intervention, and to ensure the health and safety of the pupil.

Subsection (b) - Authorized health care providers are prohibited from releasing medical information without written consent. A school district cannot communicate with a pupil's authorized health care provider without written consent from the parent/guardian. Therefore, it is necessary for the parent to be responsible for obtaining and providing the school with the authorized health care provider's written statement regarding administration of medication at school. Medication administration must be provided in compliance with Section 49423; therefore, an authorized health care provider's written statement must be provided before medication can be administered in school.

Subsection (c) - The standard of practice is to renew medication authorizations on a periodic basis and whenever a change in the medication is required. The established time frame of annually and if there are changes in the order, are consistent with this standard. This also ensures safety for correct medications, dosages, time of administration, and method of administration.

Note: Authority cited: Section 40423.6, Education Code. Reference: Section 49423, Education Code, and Sections 2746.51, 2836.1, 4040, and 4174, Business and Professions Code.

Section 603. Written Statement of the Parent or Legal Guardian.

Subsection (a)(1) - A written statement of consent from the parent/guardian for medication administration in school is in compliance with Section 49423. All services provided to pupils in school must have parent/guardian consent.

Subsection (a)(2) - In order to ensure that the medication is administered in a safe and effective manner, it may be necessary to communicate with the authorized health care provider/pharmacist regarding the written statement.

Subsection (a)(3) – Parents have the right to know what employees of the local education agency will do to assist their children with medication administration.

Subsection (a)(4) – Parents need to know what they must do to enable employees of the local education agency to administer medication or otherwise assist their children in the administration of medication.

Subsection (a)(5) - Just as the parents and guardians have the right to consent to administration of medication to their children in school, they also have the right to rescind the request at any time.

Subsection (b) – Some parents may need assistance in the development of the written statement consenting to the administration of medication or assistance in the administration of medication to their children.

Note: Authority cited: Section 49423.6, Education Code. Reference: Section 49423, Education Code.

Section 604. Administration of Medication to Pupils or Otherwise Assisting Pupils in the Administration of Medication.

Subsection (a) - The school nurse, in keeping with applicable standards of professional practice, may administer medication or assist pupils in the administration of medication in school pursuant to Education Code section 49423.

Subsection (b) – Other designated school personnel, including other licensed health care professionals, in keeping with applicable standards of professional practice, may administer medication or assist pupils in the administration of medication to the extent they are allowed by law.

Subsection (c) – Parents and legal guardians have legal authority for their children and may administer medications to their children during the regular school day.

Subsection (d) – Parents and legal guardians are responsible for the care provided to their children; therefore, they or one of their designees may administer medications to their children during the regular school day as allowed by law. The local education agency has the right to establish rules governing who may be designated by the parent or legal guardian to ensure the health and safety of all pupils.

Subsection (d)(3) – The parents or legal guardians or anyone they designate cannot be a person who for legal reasons cannot come on a school campus or accompany pupils on a field trip: for example, an individual found guilty of being a sex offender.

Note: Authority cited: Section 49423.6, Education Code. Reference: Section 49423, Education Code.

Section 605. Self-Administration of Medication.

Many students with chronic illnesses have the need to carry life-sustaining medications on their person at all times. A collaborative and shared responsibility for authorization for this accommodation in school provides parameters for safety in schools. The local education agency may establish rules governing self-administration. Such rules may include ways to address situations arising from the abuse of this privilege.

Note: Authority cited: Section 49423.6, Education Code. Reference: Section 49423, Education Code.

Section 606. Delivery and Storage of Medication.

This section allows local education agencies to consider the relevant issues and ensure that medications are delivered to school and stored in a manner that maintains the medication's effectiveness and is safe for all school staff and pupils. Such policies would not necessarily include medication that is to be self-administered.

Note: Authority cited: Section 49423.6, Education Code. Reference: Section 49423, Education Code.

Section 607. Documentation.

Documentation of medication administration validates provision.

Subsections (a)(b) - An individual pupil log for medication administration documentation ensures privacy and provides accountability in the appropriate administration of medications.

Subsection (c) – This provides for the health and safety of pupils who self-administer medication.

Note: Authority cited: Section 49423.6, Education Code, Reference: Section 49423, Education Code.

Section 608. Deviation from Authorized Health Care Provider's Written Statement.

Failure to administer medication according to the written statement from the authorized licensed health care provider can be detrimental to a pupil's health. Administration of the wrong medication to a pupil can be life threatening. Notifying the site administrator, applicable local education agency employed licensed health care professional (if any) and the authorized health care provider as indicated insures prompt response. Notification of the parent of this information is providing the parent their right.

Note: Authority cited: Section 49423.6, Education Code. Reference: Section 49423, Education Code.

Section 609. Unused, Discontinued and Outdated Medication.

This section allows local education agencies to consider the issues and ensure that medications are disposed of in a manner that is safe for all school personnel and pupils.

Subsections (a) - Medications are paid for and belong to the parent/guardian of the student. The medication, at the end of the school year, or medication that has been discontinued, should be returned to the parent or legal guardian.

Subsection (b) - Provides a system for safe and appropriate disposal of medications if such medication cannot be returned to the pupil's parent or legal guardian at the end of the school year.

Note: Authority cited: Section 49423.6, Education Code. Reference: Section 49423, Education Code.

Section 610. Applicability of this Article.

This section clarifies that it does not create a state-mandated local program nor does it affect in any way the statutes, regulations or standards of practice governing any California licensed health care professional and the statutes and regulations governing unlicensed individuals in regard to medication administration or the provision of assistance to pupils with medication administration. This section further clarifies that it does not affect statute in regard to the use of epinephrine auto-injectors nor does it affect the content or implementation of properly prepared individualized education program plans or Section 504 Accommodation Plans.

NOTE: Authority cited: Section 49423.6, Education Code. Reference: Sections 49414, 49423, and Part 30 (commencing with 56000), Education Code.

Section 611. Issuance and Periodic Updating of Advisory.

This section allows the California Department of Education, with the approval of the State Board of Education, to develop, issue and update non-binding advisory information on the medication administration.

NOTE: Authority cited: Section 33031, Education Code Reference: Section 33308.5, Education Code.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

The State Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented to or considered by the State Board.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The State Board has not identified any alternatives that would lessen any adverse impact on small business.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS.

The proposed regulations would not have a significant adverse economic impact on any business.