Many students require medication during the school day in order to remain in school and participate in learning. National data indicate that 11% percent of children 5 - 11 and 13% of those 12 - 17 have a problem for which medication is taken regularly for at least three months. A school nurse survey conducted in 2014 in Maine found that 8% of students received medication in school on any one day.

Maine statute MRSA Title 20-A § 254(5) requires that school districts develop a policy on medication administration in schools. The policy must address the training by the school nurse* of unlicensed school staff that administer medication and must address students who carry and self-administer emergency medication. It is recommended that medication be administered only when it is essential for the student to remain in school.

Definitions (excerpted from Maine DOE Chapter 40 Rules)

Administration: Administration means the provision of prescribed medication to a student according to the orders of a health care provider.

Health Care Provider: A health care provider is a medical/health practitioner who has a current license in the State of Maine with a scope of practice that includes prescribing medication.

Indirect supervision: Indirect supervision means the supervision of an unlicensed school staff member when the school nurse or other health provider is not physically available on site but immediately available by telephone.

Medication: Medication means prescribed drugs and medical devices that are controlled by the US Food and Drug Administration and are ordered by a health care provider. It includes over-the-counter medications prescribed through a standing order by the school physician or prescribed by the student's health care provider.

Parent: Parent means a natural or adoptive parent, a guardian, or a person acting as a parent of a child with legal responsibility for the child’s welfare.

School Nurse: School nurse means a registered professional nurse with Maine Department of Education certification for school nursing.

Unlicensed School Personnel: Unlicensed school personnel are persons who do not have a professional license that allows them, within the scope of that license, to administer medication.
Medication Administration in Schools

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State Laws and Rules

Educational Duties of the Commissioner MRSA Title 20-A § 254(5)

Emergency Medical Treatment Civil Liability MRSA Title 20A §4009

Nurse Practice Act MRSA Title 32 § 2102

Rule for Medication Administration in Maine Schools (Chapter 40) Maine DOE Chapter 40 Rules

Federal Laws

Federal laws emphasize (1) the rights of students with special needs, medical or otherwise, to have access to and to be educated in public schools, and (2) the sensitive topic of records, including family access to education and health records in schools.

Americans with Disabilities Act (ADA)

Confidentiality of Drug and Alcohol Treatment Records

Family Educational Right to Privacy Act (FERPA)

Health Insurance Portability and Accountability Act (HIPAA)

Individuals with Disabilities Education Improvement Act (IDEA)

OSHA Blood-borne Pathogen Standards

New Drug, Antibiotic, and Biological Drug Product Regulations

Section 504 of the Rehabilitation Act of 1973

Role of the School Nurse

The school nurse is responsible to oversee medication administration in schools to ensure that medications are administered safely. These responsibilities are to:

- Consult with school administration and school boards in the development/revision of a medication administration policy.
- Medication policy, as of September 2016, may include language allowing school administrative units to enter into a collaborative practice agreement with the school health advisor.
  - Collaborative practice agreement allows a school nurse to train unlicensed staff in the recognition of anaphylaxis and the administration of epinephrine auto-injector for previously unknown severe allergic reaction.
Medication Administration in Schools

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- See toolkit: Anaphylaxis Toolkit
- Develop and update procedures for the administration of medication according to Maine DOE Chapter 40 Rules.
- Develop and maintain a record keeping system for obtaining parental consent and PCP order, receiving (and counting scheduled drugs) and administering medication, training of unlicensed school staff, documenting medication errors and disposal of medication not retrieved by parents.
- Assure that medication containers have current and adequate information on the label and that when a medication is given greater than 15 consecutive days, a PCP written order is obtained.
- Develop and conduct training for unlicensed school personnel who are delegated by school administration and who volunteer to be trained for administering medications.
  - Staff who volunteer to be trained will:
    - Attend medication administration training conducted by the school nurse
    - Demonstrate knowledge and skills in medication administration
- Determine the competency of the unlicensed staff and provide ongoing supervision of the unlicensed staff in the task of medication administration.
- Provide annual review of medication administration to previously trained staff.
- Develop clear protocol for the unlicensed staff administering medications. See School Health Manual section: Medication Administration Training Instructor Manual
- Evaluate a student’s ability to carry and self-administer emergency medication (epinephrine auto-injector, asthma inhaler and glucagon) (MRSA Title 20-A § 254(5))
- Develop procedure for administering medication on field trips.
- Develop a response plan in case of an emergency.
- Inform the parent that the medication may be administered by trained unlicensed school personnel.
- Identify who has access to the medicine cabinet.
- Obtain standing orders from the school health advisor for the school nurse to administer, as appropriate.

Parent Responsibility

It is the responsibility of the parent to provide the school with the following:

- To give the first dose of a new medication at home.
- To provide the school with medication in the original container transported to school by the parent or adult designee. Obtain duplicate bottle from pharmacy for school.
- To provide a written PCP order for any medications given for more than 15 consecutive days. A new PCP order is required for any medication change.
- To inform the school nurse of changes in the students health status.
Coordination and Oversight of Unlicensed Staff

In Maine, RNs can oversee medication administration of unlicensed school staff. See: Maine DOE Chapter 40 Rules
Maine statute allows for the administration of medication by trained unlicensed staff within the Nurse Practice Act and Maine BON Chapter 6, Coordination and Oversight of Patient Care Services by Unlicensed Health care Assistive Personnel.
The RN is accountable to verify that the unlicensed staff can safely perform the activity.
Refer to: Decision Tree

The certified school nurse may choose to not oversee some medication administration activities if, in the judgment of the school nurse, the task cannot be properly and safely performed by the unlicensed person without jeopardizing the student’s welfare.
Oversight of a task carried out by an unlicensed person is determined on a case-by-case basis and is most appropriate when the unlicensed staff is caring for students with routine, repetitive, and ongoing medication administration. When medication administration is not routine and the student’s response to medication is less predictable, nursing oversight should be carefully considered. Some tasks that do not require specialized nursing knowledge may be given to unlicensed personnel.

When evaluating if medication administration can be given by an unlicensed staff, the school nurse should assess the situation and consider the following:

- The school nurse should assess the student’s need and health status. Administering medication should involve little or no modification in the task and should have a predictable outcome.

- The task should not inherently involve ongoing assessment, interpretation, or nursing judgement and decision making.

- The school nurse should have the ability to provide adequate oversight of the unlicensed staff member’s medication administration tasks.

It is the responsibility of the school nurse to inform the school administrator if, in the opinion of the school nurse, the unlicensed staff delegated by the administrator is not competent to carry out the task of administering medication. Furthermore, the school nurse may not provide oversight or coordination of this task when the school nurse is of the opinion that the unlicensed staff is not competent to carry out this task.
Refer to: Decision Tree

Training of Unlicensed Assistive Personnel (UAP)

Maine Statute provides for the legal authorization of unlicensed assistive school staff to administer medication if they have been trained. It is the responsibility of the school nurse to conduct this training. Maine DOE Chapter 40 Rules defines the components of the training.
Medication Administration in Schools Introduction

The Department of Education has produced materials to assist school nurses in training unlicensed staff. These materials consist of a video, an instructor's manual, and a participant handbook. The training must be conducted by a RN or physician.

Resources

MSMA Sample Medication Policy

NASN Position Statement on Medication Administration in the School Setting

NASN Position Statement on Delegation

NASN Position Paper on the Use of UAP

NASN Position Paper on School Nurse Role in Field Trips

Northern New England Poison Control Center - 1-800-222-1222