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Agora Cyber Charter School

Board of Trustees Policy

ADMINISTRATION OF MEDICATION/MEDICAL EQUIPMENT POLICY

The Board of Trustees ("Board") of the Agora Cyber Charter School ("Charter School") recognizes that a number of students have medically certified conditions requiring medication, and/or equipment or machinery to be administered during school hours in order to maintain health and to function in the school setting.

The administration of medication, in accordance with the consent of a parent/guardian and the direction of a physician to a student during school hours will be permitted only in the event that:

1. Failure to take such medicine would jeopardize the health of the student or would prevent the student from attending school if the medication were not made available during school hours, or
2. It is a necessary component of a student's accommodation plan or service agreement, as defined by state and federal law or a component of a student's individualized education plan as defined by state and federal law.

In addition to Chapter 14 of the PA Public School Code, the Department of Health of the Commonwealth of Pennsylvania has developed, and periodically updates, certain guidelines for the administration of medicine in school facilities, all of which are incorporated herein.

For purposes of this policy:

Medication shall mean any drug prescribed by a physician, including drugs for injection, any patent drug, or any nonprescription medication.

Possession shall include carrying, storing, or controlling medication or equipment necessary for administration of medication by students on their way to or from school or while on school property or at any school-sponsored activity.

School Nurse: School nurses are Registered Nurses with a Bachelor of Nursing (“BSN”) licensed by the Department of State, Board of Nursing and certified by the Secretary of Education and employed by a school district or charter school as a school nurse. School nurses work under the same Nurse Practice Act and rules as Registered Nurses in any other practice setting. School nurses are regulated by the State Board of Education, with the advice of the Professional Standards and Practices Commission (PSPC) as “educational specialists” under the Professional Educator Discipline Act. An education specialist is a person whose primary responsibility is to render professional service other than classroom teaching. The service is to be directly related to the personal welfare of the students and may include services to other professionals working with the students.

Nurse services shall be provided to every child of school age in Pennsylvania. The number of pupils under the care of each nurse shall not exceed 1,500.

No Delegation of Responsibility

Regulations promulgated pursuant to the Professional Nursing Law permit a licensed registered nurse (“RN”) to administer a drug ordered for a patient in the dosage and manner prescribed. (49 Pa Code §21.14 (a).)

A licensed practical nurse (“LPN”) may not function independently in the school setting. The Certified School Nurse (“CSN”) must provide medical oversight to the LPN. Medical oversight does not necessarily mean direct, line-of-sight supervision, but should include, at a minimum, periodic and regular communication. State Board of Nursing regulations at 49 Pa. Code § 21.145 (a) further define the scope of practical nursing and state that: [t]he LPN is prepared to function as a member of the health care team... and participates in the planning, implementation, and evaluation of nursing care in settings where nursing takes place. An LPN may administer medications as prescribed by law or regulation. 49 Pa Code §21.145 (b) states: The LPN administers medication and carries out therapeutic treatment ordered for the patient.

Neither the Professional Nursing Law nor the Practical Nurse Law permits delegation of nursing functions. When the State Board of Nursing attempted to promulgate a regulation allowing a registered nurse to delegate certain nursing functions, including administration of medications, the proposed regulation was disapproved on the basis that the Board was exceeding its statutory authority. Accordingly, a certified school nurse or other licensed personnel such as a RN or LPN, cannot lawfully delegate the nursing function of medication administration to the principal, teacher, or administrative personnel.

Pertinent Department of Education Certification and Staffing Policy Guidelines (CSPGs) conform to state law. CSPGs clarify how schools are expected to comply with certification and staffing laws, regulations, court decisions, opinions of the Attorney General, administrative agency policy, and administrative decisions of appeals taken from local education agency hearings. CSPG No. 95, applicable to a K-12 Principal, states that a principal holding a valid certificate is

qualified to perform, “...supervision and direction of certified and non-certified staff persons required for school operation *exclusive of directing health services controlled by the Nurse Practice Act.*” (emphasis added).

Therefore, all medication shall be maintained by the nurse and administered by the nurse and at no time may an unlicensed school employee administer medication to a student.

In the best interest of safe and quality health care for students, the ideal situation is a full-time CSN in every school building. Short of the ideal, best practice would be to have a licensed professional (CSN, RN, LPN) in every building and where an RN or LPN is utilized, oversight by a CSN is necessary.

Guidelines

For a student who, because of a special medical condition, must carry medication on his/her person, the student's parent/guardian shall provide physician's recommendation evidencing this need, and give consent for school staff to confer with the physician regarding this medical condition. The school nurse will provide written approval for a student to carry medication on his/her person in the event of a bona fide request.

Please see Board approved “Self-Monitoring of Asthma and Diabetes Policy” and “Epi-Pen Policy” for guidance with regard to students transporting medication on their person and self-administering such medication.

Criteria

- 1) If a student requires medication (prescription or over-the-counter) during school or any school outing when the student is under the care and supervision of the faculty or staff of the Charter School, the medication must be given to the licensed school health personnel (CSN, RN, LPN) by the parent/guardian. The medication must be in its original container from the pharmacy and accompanied by a note from the parent/guardian and a doctor indicating the name of the drug, the dose, the timing of the dose, and the reason the medication is required. The licensed school health personnel (CSN, RN, LPN) receiving any medication should document the quantity of the medication delivered. This documentation should include the date, time, amount of medication, and the signatures of the parent/guardian or designated adult delivering the medication and the school health personnel receiving the medication. The parent/guardian shall also give written consent for the nurse to confer with the physician regarding the administration of the medication.

Students should not be in possession of any types of medication at any time in School or at any school sponsored event or activity. Students may not keep any medications on their persons or in their school bags or lockers. All medications are to be kept in the nurse's office and are to be administered by the nurse. (For exceptions, see aforementioned Board approved “Self-Monitoring of Asthma and Diabetes Policy” and “Epi-Pen Policy”).

- 2) Parents who wish to give medication to their child(ren) during the school day must administer it in the office of the school nurse.
- 3) Medication in baggies or foil wrappings will not be accepted or administered. Vitamins, over the counter medication such as antacids, acetaminophen or ibuprofen, and lactose products (ex, Dairy Ease) and Complementary and Alternative Medicine (CAM), which includes Homeopathic Remedies, Herbal Preparations, Enzymes, Vitamins and Minerals, must also be accompanied by written permission from a physician and parents/guardian with clear instructions for dosage and administration times. Such medication is to be administered by the nurse.
- 4) Parents whose child(ren) may require an EpiPen or EZ Pen for severe allergy reactions, must provide a supply to be kept in the nurse's office for use by their child. The use of such medication must follow the Charter School Epinephrine Auto Injector Policy.
- 5) Only the exact amount of prescription medication for the treatment period should be kept in the nurse's office. Pharmacists will provide extra labeled containers if asked.
- 6) No medication will be administered if the date on the medication is more than one (1) year old or if the expiration date on the package indicates that it has expired.
- 7) The CSN is charged with the final determination of what over-the-counter items fall under the category of medication and for developing procedures to carry out this policy.
- 8) Only in a true first aid/emergency situation, where a student is determined to be in immediate and serious danger, such as critical illness, serious accident, or threatened homicide or suicide, may certain designated Charter School Administration administer medication. (See Board's Emergency/First Aid Policy for further guidance).

Medication Off-Site, Including Field Trips

The Board of Trustees of the Charter School recognizes that field trips, before/after school and summer programs and testing site activities present challenges to the Charter School health program. The Charter School is cognizant of the fact that regardless of setting or time of the year, all federal and state laws and regulations, and clinical standards that govern the practice of safe medication administration continue to apply. For example, taking medication from the original container and placing it in another container or envelope and re-labeling it for administration by Charter School personnel could be considered dispensing. Dispensing medications is not within the scope of nursing practice.

Section 504 of the Rehabilitation Act of 1973 has been interpreted to require that students with disabilities have access to non-academic services such as field trips and cannot be denied access to school programs and activities based on that disability. When participating in school-

sponsored programs and activities, students are eligible to receive the same needed service that they receive during the regular school day. This requires planning in advance, especially if the program/activity includes overnight stays or travel out of state. The Charter School may not request that a parent/guardian sign a waiver of liability as a condition to administer medication during these events. In the case of a Charter School trip, the Parent may be asked to accompany his or her child but the Charter School cannot require the parent to do so. Administration of medications is a support service that must be provided.

Given the significant increase in students with special health care needs, including medication administration, Charter School policy requires that planning for school-sponsored activities is:

- 1) Initiated before school starts or early in the year; and
- 2) The product of collaboration between school administrators, teachers and nurses, as well as families, school medical advisors, and community health care providers, as appropriate.

Schools need to use professional judgment and creativity in finding the proper balance between requirements for safety and the personal risk-taking that is reasonable in order for the student to participate. Some considerations when planning for medication administration during school-sponsored programs and activities include the following:

- Consider assigning school health staff to be available, for example a licensed supplemental staff person (RN, LPN). (If the activity occurs during school hours, plans need to be in place to provide coverage for the staff person's regular duties.)
- Contact the Intermediate Unit for a licensed person from a substitute list.
- Contract with a credible agency that provides temporary nursing services.
- Utilize licensed volunteers (with all current criminal and child abuse clearances) via formal agreement that delineates responsibilities of both the Charter School and the individual volunteer.
- Address with parent/guardian the possibility of obtaining from the licensed prescriber a temporary order to change the time of dose.
- Arrange for medications to be provided in an original, labeled container and given according to Charter School policy. Have parent/guardian ask the pharmacist to provide a properly labeled, original container with only the amount of medication that will be needed for that specific test site date, field trip, event, etc.
- Ensure security procedures are in place for the handling of all medications.

Students with Diabetes

Act 86 of 2016 added Sections 1414.3 – 1414.8 to the Public School Code and is a voluntary option (not mandated) for schools. If schools choose to opt into Act 86 they must be sure to **read Act 86** and the Diabetes in School Children, Recommendations and for School Personnel Resource Guide. Act 86 permits school nurses, in consultation with their chief school administrator or a designee, to identify at least one school employee ("Identified Employee") in each school building attended by a student with diabetes to be designated in a student's service agreement or Individualized Education Program (IEP), to administer diabetes medications, use diabetes

monitoring equipment, and provide other diabetes care. If the school building attended by a student with diabetes does not have a school nurse assigned to carry the caseload full-time, the chief school administrator may consult with the school nurse to identify a school employee.

The Identified Employee should not be the school nurse and does not need to be a licensed health care practitioner. The Identified Employee may decline the responsibility and related directives. An Identified Employee is required to complete annual education in specifically-identified areas through educational modules developed by the Pennsylvania Department of Health (DOH) in consultation with the Pennsylvania Department of Education (PDE), annual education offered by a licensed health care practitioner with expertise in the care and treatment of diabetes that includes information substantially similar to that in the educational modules, or both.

A school employee who is not a licensed health care practitioner and who has successfully completed the education modules or annual education may be designated in a student's service agreement or IEP. School employees who are not licensed health care practitioners shall only be authorized to administer diabetes medications via injection or infusion following annual education by a licensed health care practitioner with expertise in the care and treatment of diabetes and following the school entity's receipt of written authorization from both the student's health care practitioner and parent or guardian that an educated school employee, who is not a licensed health care practitioner, may administer specified medications.

Confidentiality

Parents and students have an expectation of privacy where the students' health information is concerned that is supported by ethical and legal considerations. Legal sources of privacy and confidentiality protections include the U.S. and State Constitutions, federal and state laws, and case law. The Public School Code, at 24 P.S. § 14 - 1409, states that all health records shall be confidential, and their contents may be divulged only when necessary for the health of the child or at the request of the parent or guardian to a physician. Regulations promulgated pursuant to the Nurse Practice Act, addressing standards of nursing conduct, require a registered nurse to safeguard the patient's dignity, the right to privacy and the confidentiality of patient information. 49 Pa. Code § 21.18.

Additionally, the Family Educational Rights and Privacy Act (FERPA) is a federal law that protects privacy interests of parents in their children's education records, defined to include school health records, and prevents an educational institution from having a policy or practice of disclosing the education records of students, or personally identifiable information contained in education records, without the written consent of the parent. Under FERPA, there are a number of specific statutory exceptions to the general rule against nonconsensual disclosure that are set forth at U.S.C. § 1232g (b) - (j) and 34 C.F.R. § 99.31. FERPA provides for disclosure of confidential information about individual students in health and safety emergencies. In general, health and safety emergencies refer to situations of immediate and serious danger, such as critical illness, serious accident, or threatened homicide or suicide. If the situation is serious enough to telephone for emergency services (e.g. call 9-1-1), release of sufficient student information to assist in emergency treatment is appropriate. Such release may be made only to appropriate parties, and may be made only if knowledge of the specific information is necessary to protect the health or safety of the student or other individuals.

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.