Health and Safety

817 Medications and Treatments

1.0 Purpose

The purpose of this regulation is to provide guidance regarding the medications and treatments to be provided to students pursuant to current Delaware Code.

18 DE Reg. 639 (02/01/15)

2.0 Definitions

The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly states otherwise:

"**Approved School Activity**" means a school-sponsored field trip or approved school activity outside of the traditional school day or off-campus.

"**Assist(ance) with Self-Administration of Medication**" means assisting a student in kindergarten through grade 12 in the self-administration of a medication taken orally, by inhalation, or applied topically, provided that the medication is in a properly labeled container. Assistance may include holding the medication container for the student, assisting with the opening of the container, and assisting the student in self-administering the medication. Assistance does not include making nursing judgments. Lay assistants shall not assist with injections. The one exception is with emergency medications where standard emergency procedures prevail for life-threatening symptoms of a diagnosed condition, and includes the administration of the medication based on the healthcare provider's order and parent permission.

"**Controlled Medication**" means those prescribed drugs regulated by Federal (Controlled Substance Act of 1970) and/or State Controlled (dangerous) Substances Act.

"**Current**" means a medication or prescription that is not outdated or expired according to the date on the label. A current prescription is written for a specific time period, not to exceed one year.

"**Dosage**" or "**Dose**" means a specific amount of medication prescribed or directed to be taken at any one time.

"**Educators**" means teachers, administrators, and paraeducators employed by a school.

"**Emergency Medication**" means a medication necessary for response to a life-threatening allergic reaction.

"**Emergency Medication for a Diagnosed Medical Condition**" means a medication prescribed to treat a life-threatening symptom of a diagnosed medical condition.

"**Emergency Medication Summary Sheet**" means a document developed by the Department of Education and the Division of Public Health to report the use of Emergency Medication in the school setting.

"**Field Trip**" means any off campus, school sponsored activity.

"**Licensed Healthcare Provider**" means anyone lawfully authorized to prescribe medications and treatments.

"**Medication**" means a legal drug, which has been authorized for a student to use and includes both prescription and non-prescription drugs.

"**Non-prescription Medication**" means any over-the-counter medication that can be sold legally without a prescription.

"**Other School Employees**" means coaches or persons hired or contracted by schools.

"**Paraeducators**" mean teaching assistants or aides in a school.

"**Prescription Medication**" means a legal drug that has a written order for an individual student by a licensed health care provider licensed to prescribe medication.

"**School**" means an educational facility serving students in kindergarten through grade 12 and any associated pre-kindergarten program in such facility.

"**School Nurse**" means a Registered Nurse licensed to practice in the State of Delaware, who is employed by a school district, charter school, or private school.

"**Traditional School Day**" means the hours within the days counted to meet the state minimum number of school days each year and summer school.

"**Trained Assistant for Self-Administration**" means an Educator or Other School Employee who has completed the training to assist a student with self-administration of medications. This person may render

emergency care, including injection, to any student unable to self-administer medication for life-threatening symptoms of a diagnosed condition based on the healthcare provider's order and parent permission.

"**Trained Person**" means an Educator or Other School Employee who has completed the training to administer Emergency Medicine to diagnosed and undiagnosed students with symptoms of a life-threatening allergic reaction in the school setting.

18 DE Reg. 639 (02/01/15)

19 DE Reg. 622 (01/01/16)

3.0 Medications

3.1 Medications may be administered to a public school student by the School Nurse when a written request to administer the medication or treatment is on file from the parent, guardian or Relative Caregiver or the student if 18 years or older, or an unaccompanied homeless youth (as defined by 42 USC 11434a).

3.1.1 The School Nurse shall check the student health records and history for contraindications and all allergies, especially to the medications, and shall provide immediate medical attention if an allergic reaction is observed or make a referral if symptoms or conditions persist.

3.1.2 The School Nurse shall also document the student's name, the name of medication and treatment administered, the date and time it was administered and the dosage if medication was administered.

3.2 In addition to the requirements set forth in 3.1 above, in the case of a Prescription Medications, the requirements set forth below in 3.2.1 through 3.2.4 shall also apply.

3.2.1 Prescription medications shall be provided to the School in the original container and properly labeled with the student's name; the prescribing licensed health care provider's name; the name of the medication; the dosage; how and when it is to be administered; the name and phone number of the pharmacy and the current date of the prescription. The medication shall be in a container which meets United States Pharmacopoeia National Formulary standards.

3.2.2 Medications and dosages administered by the School Nurse shall be limited to those recommended by the Federal Drug Administration (FDA), peer review journal that indicates doses or guidelines that are both safe and effective, or guidelines that are specified in regional or national guidelines.

3.2.3 The prescription and the medication shall be current and long term prescriptions shall be reauthorized at least once a year.

3.2.4 All medications classified as controlled substances shall be counted and reconciled each month by the School Nurse and kept under double lock. Such medications should be transported to and from School by an adult.

3.3 Non-prescription Medication must be in an original container with full label and may be given by the School Nurse after the School Nurse assesses the complaint and the symptoms to determine if other interventions can be used before medication is administered.

18 DE Reg. 639 (02/01/15)

4.0 Treatments

Treatments, including specialized health procedures, shall be prescribed by a licensed health care provider with directions relative to administration or supervision.

18 DE Reg. 639 (02/01/15)

5.0 IEP Team

For a student who requires significant medical or nursing interventions, the Individual Education Program (IEP) team shall include the School Nurse.

18 DE Reg. 639 (02/01/15)

6.0 Assistance With Self-Administration of Medications at Approved School Activities

6.1 Educators and Other School Employees who are Trained Assistants for Self-Administration are authorized by 24 **Del.C.** §1921(a)(13) to assist a student with self-administration of Medications at an Approved School Activity for students in kindergarten through Grade 12. The Trained Assistant for Self-Administration is subject to the following provisions:

6.1.1 Assistance with Self-Administration of Medication shall not be provided without the prior written request or consent of a parent, guardian or Relative Caregiver, or the student if 18 years or older, or an unaccompanied homeless youth (as defined by 42 USC 11434a). Said written request or consent shall contain clear instructions including: the student's name; the name of the medication; the dose; the time(s) and date(s) of administration; and the method of administration. At least one copy of said written request or consent shall be in the possession of the person assisting a student with medication on a Field Trip or Approved School Activity outside of the traditional School day or off-campus.

6.1.1.1 Medications shall be prescribed by a licensed health care provider and are ones that cannot be rescheduled for times when a person, who may legally administer medication, is available.

6.1.1.1.1 Doses may be provided for up to one week, unless covering an Approved School Activity lasting longer than this time period, and shall be maintained in a secure location.

6.1.1.2 Prescription medications shall be provided to the School Nurse by the parent and shall be properly labeled with the student's name; the licensed health care provider's name; the name of the medication; the dosage; how and when it is to be administered; the name and phone number of the pharmacy; and the current date of the prescription. The medication shall be in a container which meets United States Pharmacopoeia National Formulary standards.

6.1.1.2.1 Controlled medications must be stored on the person assisting or in a secure location under double lock. Maintaining doses for greater than one day is not permitted except in the case of an overnight activity.

6.1.1.3 Non-prescription medications shall be provided to the School Nurse by the parent in an original container along with a current, written directive from the student's licensed health care provider and shall include the student's name; the licensed health care provider's name; the name of the medication; the dosage; and how and when it is to be administered.

6.1.2 In order to be qualified to provide Assistance with Self-Administration of Medications, each such person shall complete a Board of Nursing approved training course developed by the Delaware Department of Education, pursuant to 24 **Del.C.** §1921(a)(13). Training shall be renewed minimally every five years. No person shall provide Assistance with Self-Administration of Medications without documented acknowledgment to the Department of Education that he/she has completed the course and that he/she understands the same, and will abide by the safe practices and procedures set forth therein. A School Nurse shall:

6.1.2.1 Complete instructor training as designated by the Department of Education.

6.1.2.2 Oversee the training for Educators and Other School Employees.

6.1.2.3 Coordinate the collection and review of the written parental consent.

6.1.2.4 Provide the appropriately labeled medication, copy of the consent, and directions on assistance to the Trained Assistant for Self-Administration.

6.1.3 Each School shall maintain a record of all students receiving Assistance with Self-Administration of Medications pursuant to this regulation. Said record shall contain the student's name; the name of the medication; the dose; the time of administration; the method of administration; and the name of the person assisting.

6.1.4 The School Nurse may prepare a Trained Assistant for Self-Administration to render emergency care to a student, with a known, diagnosed condition, who is in pre-kindergarten through Grade 12 and shows life-threatening signs and symptoms of the condition at an Approved School Activity.

6.1.4.1 Response shall include immediate activation of emergency medical services.

6.1.4.2 Preparation shall include instruction in the provision of the student's Emergency Medication for a Diagnosed Medical Condition, including injection, for symptoms related to the condition. Instruction will be based on the healthcare provider's order and the manufacturer's instructions for administration.

6.1.4.3 The Trained Assistant for Self-Administration shall annually demonstrate his/her ability to provide Emergency Medication for a Diagnosed Medical Condition.

6.1.4.4 An Emergency Medication for a Diagnosed Medical Condition shall be a current prescription provided by the student's licensed healthcare provider for a diagnosed medical condition that requires immediate medication to save or sustain life and is one which can be safely provided by a Trained Assistant for Self-Administration.

6.1.4.5 In addition to 6.1.3, the Trained Assistant for Self-Administration shall provide documentation related to the rendering of emergency care, to include at a minimum, the student's symptoms, time of the incident, medication administered, other actions taken, and the response by emergency medical services.

6.2 District and charter school boards may develop policies for unique Approved School Activities for which the specified process is unable to be implemented.

18 DE Reg. 639 (02/01/15)

19 DE Reg. 622 (01/01/16)

7.0 Emergency Medication Administration for Life-threatening Allergic Reaction in School

7.1 School Nurses and Trained Persons are authorized by 16 **Del.C.** Ch. 30E to administer Emergency Medication Without an Order at School to a student in pre-K through grade 12, who is symptomatic of a life-threatening allergic reaction in the school setting.

7.1.1 Public School Nurses shall follow the Division of Public Health's medical emergency standing orders for allergic reactions and anaphylaxis in previously undiagnosed individuals.

7.1.2 Trained Persons shall follow the guidance issued by the Division of Public Health on the administration of Emergency Medications without an order in the school setting to undiagnosed individuals.

7.2 The School, in consultation from the School Nurse, shall annually identify and train a sufficient number of Educators and Other School Employees to become Trained Persons.

7.2.1 An identified person cannot be compelled to become a Trained Person, unless training is a requirement of their position, hire, or contract.

7.2.2 The training shall be a program approved by the Department of Education and the Division of Public Health.

7.2.3 The Trained Person shall annually re-train or demonstrate competency as a Trained Person.

7.2.4 The School shall maintain documentation of annual training and Trained Persons and make available upon request to the Department of Education or Division of Public Health.

7.3 The School shall maintain current, stock Emergency Medication.

7.3.1 Emergency Medication shall be stored in a minimum of two secure and accessible locations in the school setting as identified by the School Nurse: one for the School Nurse and the other for the Trained Person.

7.4 The School shall maintain documentation of the use of Emergency Medication.

7.4.1 The Trained Person shall complete the Emergency Medication Administration by Trained Person Sheet on the day of the any administration and shall submit to the School Nurse.

7.5 The School Nurse shall submit the Emergency Medication Summary Sheet to the Department of Education and the Division of Public Health within 48 hours of the use of an Emergency Medication.

18 DE Reg. 639 (02/01/15)

8.0 Other School Employees Obligation

Except for a School Nurse, no Educator or Other School Employee shall be compelled to assist a student with medication or to administer emergency medication unless training is a requirement of hire or contract. If a facility is otherwise required to have a School Nurse, nothing contained here shall be interpreted to relieve the school of such obligation.

Nonregulatory note: 14 **DE Admin. Code** 612, *Possession, Use and Distribution of Drugs and Alcohol* addresses student self-administration of a prescribed asthmatic quick relief inhaler and student self-administration of prescribed autoinjectable epinephrine, an insulin pump or administration of medical marijuana oil.

Nonregulatory note: 16 **Del.C.** §3007E provides liability protection for any Trained Person or School Nurse, who, in good faith and without expectation of compensation from the person aided or treated, administers Emergency Medication.

Nonregulatory note: 16 **Del.C.** §4904A provides exceptions for the administration of medical marijuana oil by a parent or designated caregivers.

7 DE Reg. 68 (07/01/03)

10 DE Reg. 1802 (06/01/07)

16 DE Reg. 957 (03/01/13)
18 DE Reg. 639 (02/01/15)
19 DE Reg. 622 (01/01/16)
20 DE Reg. 445 (12/01/16)