

## Prescription/Nonprescription Medication

Students may, subject to the provisions of this regulation, have prescription or nonprescription medication administered by designated, trained staff. Self-medication by students will also be permitted in accordance with this administrative regulation and state law.

### 1. Definitions

- a. "Prescription medication" means any noninjectable drug, chemical compound, suspension or preparation in suitable form for use as a curative or remedial substance taken either internally or externally by a student under the written direction of a physician; and bronchodilators or autoinjectable epinephrine prescribed by a student's Oregon licensed health care professional for asthma or severe allergies. Prescription medication does not include dietary food supplements. As per Oregon Administrative Rule (OAR) 851-047-0030 through 581-047-0040, a registered nurse may administer a subcutaneous injectable medication.
- b. "Nonprescription medication" means only Federal Drug Administration approved, nonalcohol-based medication to be taken at school that is necessary for the student to remain in school. This shall be limited to eye, nose and cough drops, cough suppressants, analgesics, decongestants, antihistamines, topical antibiotics, anti-inflammatories and antacids that do not require written or oral instructions from a physician. Nonprescription medication does not include dietary food supplements or nonprescription sunscreen.
- c. "Adrenal crisis" means adrenal crisis as defined in Oregon Revised Statute (ORS) 433.800.
- d. "Adrenal insufficiency" means adrenal insufficiency as defined in ORS 433.800.
- e. "Notice of a diagnoses of adrenal insufficiency" means written notice to the ESD from the parent or guardian of a student who has been diagnosed as adrenal insufficient with a copy of an order from the student's physician that includes the student's diagnosis, description of symptoms indicating the student is in crisis, prescription for medication to treat adrenal insufficiency crisis and instructions for followup care after medication to treat adrenal insufficiency crisis has been administered.
- f. "Physician<sup>1</sup>" means a doctor of medicine or osteopathy, a physician assistant licensed to practice by the Board of Medical Examiners for the state of Oregon, a nurse practitioner with prescriptive authority licensed by the Oregon State Board of Nursing, a dentist licensed by the Board of Dentistry for the state of Oregon, an optometrist licensed by the Board of Optometry for the state of Oregon or a naturopathic physician licensed by the Board of Naturopathy for the state of Oregon.
- g. "Student self-medication" means a student must be able to administer medication to himself/herself without requiring a trained staff member to assist in the administration of the medication.
- h. "Age-appropriate guidelines" means the student must be able to demonstrate the ability, developmentally and behaviorally, to self-medicate with permission from parent or guardian, administrator, and in the case of a prescription medication, a physician.

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<sup>1</sup>A registered nurse who is employed by a public or private school may accept an order from a physician licensed to practice medicine or osteopathy in another state or territory of the U.S. if the order is related to the care or treatment of a student who has been enrolled at the school for not more than 90 days

- i. "Training" means the instruction to be provided to designated staff on the administration of prescription and nonprescription medication, based on requirements set out in guidelines approved by the Oregon Department of Education (ODE), including discussion of applicable ESD policies, procedures and materials.
- j. "Qualified trainer" means a person who is familiar with the delivery of health services in a school setting and who is a registered nurse licensed by the Oregon State Board of Nursing, a physician, or a pharmacist licensed by the State Board of Pharmacy for the state of Oregon.
- k. "Severe allergy" means a life-threatening hypersensitivity to a specific substance such as food, pollen or dust.
- l. "Asthma" means a chronic inflammatory disorder of the airways that requires ongoing medical intervention.
- m. "Designated staff" means the staff person who is designated by the building principal to administer prescription or nonprescription medication.

## 2. Designated Staff/Training

- a. The principal will designate trained staff authorized to administer prescription or nonprescription medication to students at an ESD-sponsored activity, under the supervision of ESD personnel, in before- or after-school care programs on ESD-owned property and in transit to and from school or ESD-sponsored activities. The principal will supervise and ensure building and activity practices and procedures are consistent with the requirements of law, rules and this administrative regulation.
- b. The principal will ensure the training required by law and Oregon Administrative Rules is provided. Training may be conducted by any physician licensed by the state of Oregon, a nurse licensed by the Oregon State Board of Nursing or by others as deemed appropriate by the ESD in accordance with training program guidelines recognized by ODE.
- c. Training will provide an overview of applicable provisions of Oregon law, administrative rules, ESD policy and administrative regulations and include, but not be limited to, the following: safe storage, handling, monitoring medication supplies, disposing of medications, record keeping and reporting of medication administration and errors in administration, emergency medical response for life-threatening side effects, ~~and~~ allergic reactions, or adrenal insufficiency and student confidentiality. Materials as recommended and/or approved by ODE will be used.
- d. Training will be provided yearly to designated staff authorized to administer medication to students.
- e. A copy of the ESD's policy and administrative regulation will be provided to all staff authorized to administer medication to students and others, as appropriate.
- f. A statement that the designated staff member has received the required training will be signed by the staff member and filed in the ESD office.

## 3. Administering Premeasured Doses of Epinephrine to a Student or Other Individual

A premeasured dose of epinephrine may be administered by trained, designated ESD staff to any student or other individual on ESD-owned premises who the personnel believe, in good faith, is experiencing a severe allergic reaction, regardless of whether the student or individual has a prescription for epinephrine.

## 4. Administering of Medication to a Student Experiencing Symptoms of Adrenal Crisis

A student experiencing symptoms of adrenal crisis may be treated by designated staff and shall be subject to the following:

- a. Upon notice of a diagnosis of adrenal insufficiency, as defined in OAR 581-021-0037, the building principal will designate staff responsible for administering the medication to treat adrenal insufficiency;
- b. The designated staff will successfully complete training to administer medication to treat a student who has adrenal insufficiency and is experiencing symptoms of adrenal crisis in accordance with the rules adopted by the Oregon Health authority;
- c. The student's parent or guardian must provide adequate supply of the student's prescribed medication to the ESD;
- d. The superintendent will require the development of an individualized health care plan for the student;
- e. In the event that a student experiences symptoms of adrenal crisis and the designated staff determines the medication to treat adrenal insufficiency should be administered, any available staff member will immediately call 911 and the student's parent or guardian.

5. Administering Medications to Students

- a. A request for trained designated staff to administer medication to a student may be approved by the ESD and subject to the following:
  - (1) A written request for the ESD designated staff to administer prescription medication to a student, if because of the prescribed frequency for the medication, the medication must be given while the student is in school, at an ESD-sponsored activity, while under the supervision of ESD personnel, in before- or after-school care programs on ESD-owned property and in transit to or from school or ESD-sponsored activities, must be submitted to the school office and shall include:
    - (a) The written signed permission of the parent or guardian;
    - (b) The written instruction from the physician, physician assistant or nurse practitioner for the administration of the prescription medication to the student including:
      - (i) Name of the student;
      - (ii) Name of the medication;
      - (iii) Method of administration;
      - (iv) Dosage;
      - (v) Frequency of administration; and
      - (vi) Other special instruction, if any.
    - (c) The prescription label will be considered to meet this requirement if it contains the information listed in (i)-(iv) above.
  - (2) A written request for the ESD to administer nonprescription medication must be submitted to the school office and shall include:
    - (a) The written signed permission of the parent or guardian;
    - (b) The written instruction from the parent or guardian for the administration of the nonprescription medication to the student including:
      - (i) Name of the student;
      - (ii) Name of the medication;
      - (iii) Method of administration;

- (iv) Dosage;
- (v) Frequency of administration;
- (vi) Other special instruction, if any.

- b. Medication is to be submitted in its original container;
- c. Medication is to be brought to and returned from the school by the parent;
- d. It is the parent's responsibility to ensure that an adequate amount of medication is on hand at the school for the duration of the student's need to take medication;
- e. It is the parent's responsibility to ensure that the school is informed in writing of any changes in medication instructions;
- f. In the event a student refuses medication, the parent will be notified immediately. No attempt will be made to administer medication to a student who refuses ESD-administered medication;
- g. Any error in administration of medication will be reported to the parent immediately and documentation made on the ESD's Accident/Incident Report form. Errors include, but are not limited to, administering medication to the wrong student, administering the wrong medication, dose, frequency of administration, method of administration, etc.;
- h. Medication shall not be administered or self-medication allowed until the necessary permission form and written instructions have been submitted as required by the ESD.

6. Student Self-medication of a Prescription or Nonprescription Medication

- a. Student self-medication of prescription medication by K-12 students, including students with asthma or severe allergies, will be allowed subject to the following:
  - (1) A parent or guardian signed permission form and other documentation requested by the ESD must be submitted for self medication of all prescription medications;
  - (2) A medication that is prescribed by a physician and a written treatment plan developed by a physician or other Oregon licensed health care professional for managing of the student's asthma, diabetes and/or severe allergy, and directs use by the student while the student is in school, at an ESD-sponsored activity, while under the supervision of ESD personnel, in before- or after-school care programs on ESD-owned property and in transit to or from school or ESD-sponsored activities. The physician will include acknowledgment the student has been instructed in the correct and responsible use of the prescribed medication;
  - (3) Principal permission for all self-medication of prescription medication requests is required.
- b. Student self-medication of nonprescription medication by K-12 students may be allowed subject to the following:
  - (1) A parent or guardian permission form and other documentation requested by the ESD must be submitted for self-medication of all nonprescription medications. The signed form from the parent or guardian will ensure the student has received proper instruction for use;
  - (2) Principal permission for all self-medication of nonprescription medication requests is required.
- c. Students who are developmentally and/or behaviorally unable to self-medicate will be provided assistance by designated staff. A permission form and written instructions will be required as provided in Section 5 above;

- d. All prescription and nonprescription medication must be kept in its appropriately labeled, original container, as follows:
  - (1) Prescription labels must specify the name of the student, name of the medication, dosage, method of administration and frequency or time of administration and any other special instruction including permission for the student to self-medicate;
  - (2) Nonprescription medication must have the student's name affixed to the original container.
- e. The student may have in his/her possession only the amount of medication needed for that school day except for manufacturer's packaging that contains multiple dosage, the student may carry one package, such as but not limited to, autoinjectable epinephrine or bronchodilators/inhalers;
- f. Sharing and/or borrowing of any medication with another student is strictly prohibited;
- g. Any medication required for use longer than [10] school days will be permitted only upon the written request of the parent.
- h. For students who have been prescribed bronchodilators or epinephrine, staff will request from the parent or guardian, that the parent or guardian provide back up medication for emergency use by that student. Backup medication, if provided by the parent or guardian, will be kept at the student's school in a location to which the student has immediate access in the event the student has an asthma and/or severe allergy emergency.
- i. Upon written parent request, and with a physician's written statement that the lack of immediate access to a backup autoinjectable epinephrine may be life threatening to a student, and the location the school stores backup medication is not located in the student's classroom, a process shall be established to allow the backup autoinjectable epinephrine to be kept in a reasonably secure location in the student's classroom.
- j. Permission to self-medicate may be revoked if the student violates Board policy and/or these regulations. Additionally, students may be subject to discipline, up to and including expulsion, as appropriate.

## 7. Handling, Storage, Monitoring Medication Supplies

- a. Medication administered by designated staff or self administered by the student, must be delivered by the parent to the school, in its original container, accompanied by the permission form and written instructions, as required above.
- b. Medication in capsule or tablet form and categorized as a sedative, stimulant, anticonvulsant, narcotic analgesic or psychotropic medication will be counted by designated staff in the presence of another school or ESD employee upon receipt, documented in the student's medication log and routinely monitored during storage and administration. Discrepancies will be reported to the principal immediately and documented in the student's medication log. For such medication not in capsule or tablet form, standard measuring and monitoring procedures will apply.
- c. Designated staff will follow the written instructions of the physician and parent and training guidelines as may be recommended by ODE for administering all forms of prescription and/or nonprescription medications.
- d. Medication will be secured as follows:
  - (1) Nonrefrigerated medications will be stored in a locked cabinet, drawer or box;
  - (2) Medications requiring refrigeration will be stored in a locked box in a refrigerator;
  - (3) Access to medication storage keys will be limited to the principal and designated school staff.

- e. Designated staff will be responsible for monitoring all medication supplies and for ensuring medication is secure at all times, not left unattended after administering and that the medication container is properly sealed and returned to storage.
- f. In the event medication is running low or an inadequate dosage is on hand to administer the medication, the designated staff will notify the parent immediately.

## 8. Emergency Response

- a. Designated staff will notify 911 or other appropriate emergency medical response systems and administer first aid, as necessary, in the event of life-threatening side effects that result from ESD-administered medication or from student self-medication or allergic reactions. The parent, ~~school nurse~~ and principal will be notified immediately.
- b. Minor adverse reactions that result from ESD-administered medication or from student self-medication will be reported to the parent immediately.
- c. Any available ESD staff will immediately call 911 and the student's parent or guardian if the designated staff member believes the student is experiencing symptoms of adrenal crisis and plans to administer medication.

## 9. Disposal of Medications

- a. Medication not picked up by the parent at the end of the school year or within five school days of the end of the medication period, whichever is earlier, will be disposed of by designated staff in a nonrecoverable fashion as follows:
  - (1) Medication in capsule, tablet or liquid form will be removed from their original container (destroy any personal information). Crush solid medications, mix or dissolve in water (this applies to liquid as well) and mix with an undesirable substance such as coffee grounds, kitty litter, flour etc and place it in impermeable non-descript containers such as empty cans or sealable bags, placing these containers in the trash. Flush prescriptions down the toilet **only** if the accompanying patient information specifically instructs it is safe to do so;
  - (2) Other medication will be disposed of in accordance with established training procedures including sharps and glass.
- b. All medication will be disposed of by designated staff in the presence of another school employee and documented as described in Section 10 below.

## 10. Documentation and Record Keeping

- a. A medication log will be maintained for each student administered medication by the ESD. The medication log will include, but not be limited to:
  - (1) The name, dose and route of medication administered, date, time of administration and name of the person administering the medication;
  - (2) Student refusals of medication;
  - (3) Errors in administration of medication<sup>2</sup>;

- (4) Emergency and minor adverse reaction incidents;
  - (5) Discrepancies in medication supply;
  - (6) Disposal of medication including date, quantity, manner in which the medication was destroyed and the signature of the staff involved.
- b. All records relating to administration of medicines, including permission slips and written instructions, will be maintained in a separate, medical file apart from the student's education records file unless otherwise related to the student's educational placement and/or individualized education plan. Records will be retained in accordance with applicable provisions of OAR 166-400-0040(14) and OAR 166-400-0060(29)
- c. Student medical files will be kept confidential. Access shall be limited to those designated staff authorized to administer medication to students, the student and his/her parents. Information may be shared with staff with a legitimate educational interest in the student or others as may be authorized by the parent in writing.

An ESD administrator or school administrator, teacher or other school or ESD employee designated by the administrator is not liable in a criminal action or for civil damages as a result of the administration of prescription and/or nonprescription medication as per state law.

An ESD administrator, school nurse, school administrator, teacher or other ESD employee designated by the school administrator, are not liable in a criminal action or for civil damages as a result of a student's self-administration of medication, when that person in good faith assisted the student in self-administration of the medication, as per state law.

An ESD administrator, school nurse, teacher or other ESD employee are not liable in a criminal action or for civil damages when in good faith administers autoinjectable epinephrine to a student or other individual with a severe allergy who is unable to self administer the medication, as per state law.

An ESD and the members of an ESD board are not liable in a criminal action or for civil damages when a student or individual is unable to self-administer medication, when any person in good faith administers autoinjectable epinephrine to a student or individual, as per state law.