Medication Administration

A. Regulations

ORS 339.870 Liability of School Personnel
A school administrator, teacher, or other school employee designated by the school administrator, who is good faith administers medications to a pupil pursuant to written permission of the pupil’s parents or guardians and in compliance with the instructions of a physician, is not liable in a criminal action or for civil damages as a result of the administration except for an act or omission amounting to negligence or willful and wanton misconduct.

OAR 581-021-0037 Administering Medication
OAR 581-021-0037 requires that staff be designated and trained before administering and noninjectable medications. This rule lists definitions, directs school districts to adopt specific policies, and describes the elements of the procedure that permits administration of prescription and nonprescription medications. School districts must address student self medication in the policies and procedures.

B. Overview
The law in Oregon that relates to administering medication to students by school personnel was amended in 1997 (see OAR 581-021-0037). The significant changes to this law specify that the law pertains only to noninjectable medications; that the administrative rules be written and adopted by the Oregon Department of Education; that school personnel should be designated to receive appropriate training approved by the Oregon Department of Education for the administration of prescription and nonprescription medication; that school districts may not require school personnel who have not received appropriate training to administer medication to students; that administration of nonprescription medication by school personnel requires only written instructions from the student’s parents; and that school districts must adopt policies and procedures for the laws and rules. The general intent of the law is to address the responsibility of school personnel for administering prescription medications scheduled to be given during school hours or nonprescription medications that are necessary for the child to remain in school.
In 2010, the definition of “Qualified Trainer” was updated as follows:

(h) “Qualified trainer” means a person who is familiar with the delivery of health services in a school setting and who is:
   (A) A Registered Nurse licensed by the Oregon State Board of Nursing;
   (B) A physician; or
   (C) A pharmacist licensed by the State Board of Pharmacy for the State of Oregon.

C. **Background/Rationale**

According to OAR 581-021-0037, the definitions of prescription and nonprescription medications are as follows:

- “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 or other health care provider. Prescription medication does not include dietary food supplements (i.e., vitamins, homeopathic preparations).
- “Nonprescription medication” means commercially prepared, nonalcohol based medication to be taken at school that is necessary for the child to remain in school. This shall be limited to eye, nose, and cough drops, cough suppressants, analgesics, decongestants, antihistamines, topical antibiotics, anti-inflammatory medication, and antacids that do not require written or oral instructions from a physician. Nonprescription medication does not include dietary food supplements.

The administration of medication to students and self-medication may be necessary when the failure to take such medication would jeopardize the health of the student, or when the student would not be able to attend school if medications were not made available during the school hours. An estimated 10% to 15% of school-aged children and youth have a chronic health condition. Children with chronic health condition often require medication as part of their treatment, and frequently these medications must be administered during school hours.

Administering medications in schools historically has been viewed as the responsibility of school nurses. Since school nurses are not always available to assess students and administer medications on a daily basis, statues were developed to address medication administration in the school setting by unlicensed personnel.
D. **Guidance**

**Roles and Responsibilities**

**Healthy School Environment**

**Superintendents**
The superintendent shall develop administrative regulations as needed to meet the requirements of law, rules, and regulations. Regulations must include provisions for students to self-medicate. Superintendents should consider age appropriate guidelines. According to OAR 581-021-0037, “age appropriate guidelines” means the student must be able to demonstrate the ability, developmentally and behaviorally, to self-medicate with permission from a parent or guardian, building administrator, and, for prescription medication, a health care provider. School policies must also address administration of naturopathic/food supplements in the setting.

**Principals**
The building principal will designate school staff authorized to administer medication to students within individual school buildings and while participating at school sponsored activities on or off district property. The building principal will ensure that building and activity practices and procedures are consistent with the requirements of law, rules, and regulations. The principal must ensure that training that is required by law, approved by the Department of Education, and in compliance with applicable Oregon Administrative Rules is provided to designated school employees. Personnel may not be required to administer medication to students unless they have received an appropriate training program.

**Designated School Staff (i.e., teachers, secretaries, aides, health assistants)**
Training will be provided upon initial assignment of designated school staff authorized by the building principal. The instruction must be based on requirements set out in guidelines approved by the Department of Education, including discussion of applicable district policies, procedures, and materials. Subsequent training or retraining will be provided as necessary when employees change school or district assignments, or otherwise as deemed appropriate by the district.

**Trainers**
Training must be done by an Oregon licensed physician or nurse who is familiar with the delivery of health care in schools. This training is most often done by a school nurse.
**School Nurses**

School nurses are the primary health professional involved in planning, providing, and administering school health services, which include management of medication administration (i.e., student assessment, consultation with health care provider/physician, receiving verbal medication orders).

**Counselors and School Psychologists**

Counselors and school psychologists may be utilized in a consultative role to develop behavioral/mental health assessments and applicable medication administration.

**Families**

A parent or guardian must provide to the school written permission for all prescription and nonprescription medications. Parents must always bring prescription and nonprescription medication to school in original labeled containers. Medication should be brought to school and returned home by parent/guardian to assure safety of all students. It is the parent’s responsibility to inform the school in writing of any changes made in medication instruction. This includes written instruction from parents and physicians. Parents must be aware that school personnel are not able to act on verbal requests to change medication amount or frequency. Families are responsible for alerting school personnel if there are any food interactions associated with medication taken at school (i.e., school nutritionist, food preparation personnel, school nurse).

**Nutrition Services**

Nutrition services personnel need to be informed when a student has special dietary requirements due to medication. If a student is eligible for the school meals program, he or she must be provided appropriate meals. It is recommended that nutrition services personnel work with the student, the student’s family, and school administrator to assure that the student’s nutritional needs are addressed in a palatable and noninvasive way.

**Comprehensive School Health Education**

Health educators can contribute to safe medication administration by delivering effective drug and alcohol education programs that address appropriate use of prescription and nonprescription medications and school procedures. Health educators can also be instrumental in providing instruction on bullying and harassment prevention that addresses a variety of student differences, including students with special health care needs.

**E. Procedures**

The State Board of Education, in consultation with the Health Division of the Department of Human Services, the Oregon State Board of Nursing, and the State Board of Pharmacy, adopted rules for the administration of prescription and nonprescription medication to students by trained school personnel and for student self medication. The rules include age-appropriate guidelines and training requirements for school personnel.
Per Oregon statute, local school district boards must also adopt policies and procedures that provide for the administration of prescription and nonprescription medication to students by trained school personnel and for student self medication. Such policies and procedures must be consistent with the rules adopted by the State Board of Education. Local boards cannot require school personnel who have not received appropriate training to administer medication.

Per Oregon law, a school administrator, teacher, or other school employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of the administration of nonprescription medication, if the school administrator, teacher, or other school employee:

- In good faith administers nonprescription medication to a pupil pursuant to written permission and instructions of the pupil’s parents or guardian.

A school administrator, teacher, or other school employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of the administration of prescription medication, if the school administrator, teacher, or other school employee:

- In compliance with the instructions of a physician, physician assistant, or nurse practitioner, in good faith administers prescription medication to a pupil pursuant to the written permission and instructions of the pupil’s parents or guardian.

**Administration of Prescription and Nonprescription Medication to Students**

The State Board of Education, with consultation from its medical partners, have outlined the following procedures for medication administration:

1. “Designated staff” means the school staff person who is designated by the building-level school administrator, either the principal or head teacher, to administer nonprescription or prescription medication pursuant to district policy and procedure;

2. “Instruction from physician, physicians assistant, or nurse practitioner” means a written instruction for the administration of a prescription medication to a student that shall include:
   a. Name of student;
   b. Name of medication;
   c. Dosage;
   d. Route;
   e. Frequency of administration; and
   f. Other special instructions, if any.
3. The prescription medication label prepared by a pharmacist at the direction of a physician, physicians assistant, or nurse practitioner will meet the requirements for a written instruction if it contains the information listed in (a) through (f) above;

4. “Instruction from the student’s parent or guardian” means a written instruction for the administration of a nonprescription medication to a student that shall include:
   a. Name of student;
   b. Name of medication;
   c. Dosage;
   d. Route;
   e. Frequency of administration;
   f. Other special instructions, if any; and
   g. Signature of parent or guardian

5. “Student self-medication” means the student must be able to administer medication to him or herself without requiring a trained school staff member to assist in the administration of the medication;

6. “Training” means yearly instruction to be provided to designated school staff on the administration of prescription and nonprescription medications, based on requirements set out in guidelines approved by the Department of Education, including discussion of applicable district policies, procedures, and materials;

7. “Nonprescription medication” means only commercially prepared, nonalcohol-based medication to be taken at school that is necessary for the child 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;

8. “Physician” means a doctor of medicine or osteopathy or a physician assistant licensed to practice by the Board of Medical Examiners for the State of Oregon, or a nurse practitioner with prescriptive authority licensed by the Board of Nursing for the State of Oregon, or a dentist licensed by the Board of Dentistry for the State of Oregon, or 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.

9. “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. Prescription medication does not include dietary food supplements; and
10. “Age-appropriate guidelines” means the student must be able to demonstrate the ability, developmentally and behaviorally, to self medicate with permission from a parent or guardian, building administrator, and, in case of a prescription medication, a physician.

Each school district shall adopt policies and procedures that provide for:
   a. The administration of prescription and nonprescription medication to students by trained school personnel; and
   b. Student self-medication including age-appropriate guidelines.

Policies and procedures shall:
   a. Include a process to designate, train, and supervise appropriate staff;
   b. Permit designated staff to administer prescription medication under the written from the student’s parent or guardian and instruction from a physician, physicians assistant, or nurse practitioner if, because of its prescribed frequency, the medication must be given during school hours;
   d. Permit designated staff to administer nonprescription medication under the written permission and instruction from the student’s parent or guardian; and
   e. Permit student self-medication.

Policies and procedures related to administration of prescription and nonprescription medication and student self-medication must discuss:
   a. Safe storage, handling, monitoring supply, and disposing of medications;
   b. Record keeping and reporting of medication administration, including errors in administration;
   c. Emergency medical response for life-threatening side effects and allergic reactions; and
   d. Student confidentiality.

Staff Development Needed
A licensed health professional familiar with medication administration and school regulations, such as a school nurse or school physician, is best qualified to conduct the medication training.

F. Oregon Resources

Oregon Department of Education
255 Capitol St NE
Salem, OR 97310
503-947-5697
www.ode.state.or.us
Oregon Health Division
800 NE Oregon St
Portland, OR 97232
971-673-1222
http://public.health.oregon.gov/Pages/Home.aspx

Oregon School Boards Association
http://www.osba.org

Multnomah Education Service District
Department of Health & Social Services
http://www.mesd.k12.or.us/shs/hss/AboutUs.shtml

Oregon Board of Pharmacy
State of Oregon: Board of Pharmacy

State Board of Nursing  State of Oregon: Oregon State Board of Nursing

Oregon State Medical Board  http://www.oregon.gov/OMB/

G. National Resources

National Association of School Nurses  http://www.nasn.org/

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