

ISBE Releases Medication Administration Guidance

The Illinois State Board of Education (ISBE) has released long awaited updated guidance on medication administration in schools which can be found at <https://www.isbe.net/Documents/Guidance-on-Medication-June-2018.pdf>

The new guidance gives school districts 13 points to include in their school medication policies:

- (1) a Registered Nurse (“RN”) should begin the process of reviewing any request to administer medication at school;
- (2) school staff should only administer medication that is “absolutely necessary for the critical health and well-being of the student” to reduce any interruptions to the student or classes;
- (3) administrators and the RN should reserve the right to refuse to administer medications and should communicate the



reasons to the parents and prescriber;

(4) all medication requires parental consent and medical authorization;

(5) the school may elect to permit a parent to administer the medication;

(6) medication requests should only be valid for specific timeframes;

(7) medications should be in official, properly labeled containers;

(8) specific self-administration rules should be in place;

(9) “standing orders” for administration of certain medications or medications (e.g. epinephrine) that are kept in stock should be identified;

(10) identify who will administer the medication;

(11) whether violation of the policy will subject a student to discipline;



(12)the manner of disposing of any medication remaining at the end of the school year or treatment; and

(13)the policy should be available in as many formats, media, and languages as needed to inform parents, students, and staff.

The majority of the new guidelines focus on four elements of Section 10-22.21b of the School Code:

(1) administration of medication to students should be discouraged unless absolutely necessary for the critical health of the student;

(2) neither teachers nor non-administrative staff, other than school nurses, should be required to administer medication to students;

(3) districts may have policies for self-administration of medication; and

(4) school employees are permitted to provide emergency assistance to students. The new guidance addresses common questions about each of these elements.

ISBE suggests that the administration of medication includes any act to deliver the medication, including preparing it or laying it out for the student. A nurse may delegate the administration of medication that can be taken by mouth or on the skin, but may not do so if the medication is delivered by any other method. The guidance applies to any time the student is at school or at any school-related activity. Medications are absolutely necessary when used to treat life-threatening conditions or any condition that has no other suitable treatment. The rules apply to some substances that might not be considered “medication” by some, including aromatherapy, herbal substances, and oxygen, and regardless of whether the substance is prescription or over-the-counter, it requires a note from the health care provider. These rules apply regardless of whether the student is at the school, on a field trip, athletic event, or any other school-related activity. Ultimately, ISBE’s guidance is that medications should be administered only in limited circumstances and only with the participation of the school, the parents, and the health care provider. Note that, under current law, if a student is an approved medical marijuana patient, that the student must leave school grounds to administer the treatment. However, legislation allowing a parent to come onto school grounds or a



school bus to administer medical marijuana to a qualifying patient has passed both houses of the legislature and awaits the Governor's signature.

In accordance with the amended Nurse Practice Act, ISBE has proposed amendments to current regulations. Although there have been a number of questions in the past about what activities a nurse could delegate to non-nurses, the revised Nurse Practice Act, effective 9/20/17, addresses this issue. The Act permits a nurse to delegate medication administration and some other nursing activities to a non-nurse in a school setting if the nurse is comfortable with the student's safety and the staff member's competence to do so. The nurse, however, is never required to delegate authority, and a non-nurse is not obligated to accept the responsibility of administering medication or performing any other nursing activity if they are uncomfortable doing so.

The guidance also reiterates that schools are required to permit students to self-carry and self-administer medications for severe allergic reactions, acute asthma episodes, and diabetes. However, in all other circumstances, schools are not required to permit students to self-carry and self-administer other



medications, and may enforce “drug-free school” policies.

Finally, the guidance reminds school officials that they are always permitted to administer emergency assistance to students. All staff members should be able to identify common emergencies to notify the school nurse and/or emergency services. This extends to the stocking of epinephrine and narcotic antagonists and the training of staff to administer those medications. In the event either of these medications are administered, a report should be made to ISBE within three days.

The final pages of the guidance include sample procedures and documents for districts to review as they create their own policies. Attorneys in our Flossmoor (708-799-6766) and Oak Brook (630-928-1200) offices can assist with any questions you may have about the guidance or policies.