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HB Bill 5299

AN ACT CONCERNING ANTIPILEPTIC MEDICATIONS IN SCHOOL SETTINGS

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Dear Co-Chairs and Members of the Public Health Committee:

As a nurse with 42 years of experience, 28 of which have been as a school nurse and a school nurse supervisor, I submit testimony in opposition to Raised Bill HB 5299.

Summary of the Issue

“The decision to delegate is a serious responsibility that the school nurse determines on a case-by-case basis based on the needs and condition of the student, stability and acuity of the student’s condition, potential for harm, complexity of the task, and predictability of the outcome (ANA, 2005). The decision to delegate and the supervision of delegation of nursing tasks in the school setting rest solely with the registered nurse. Prior to medication administration, a student assessment is completed by the school nurse. This assessment will guide the school nurse in determining if the task can be delegated and what level of training and supervision is required for safe delegation for this specific student and assignment (Gursky & Ryser, 2007).

The safety and welfare of the individual student and the broader school community must be the central focus of all decisions regarding the delegation of nursing tasks and functions (ANA/NCBSN, 2006). Delegation is used effectively in some areas, but unsafe and illegal delegation in school settings can occur. Delegation *may* occur when the registered nurse determines it is appropriate to provide necessary treatment, but such delegation *may not* be appropriate for all students or all school nursing practices (excerpts from National Association of School Nurses Position Statement on Delegation)

... Laws such as the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA) of 1990 ensure that children with special health care needs have the right to be educated with their peers in the least restrictive environment (Section 504 Rehabilitation Act, 1973) and to receive support and accommodations for conditions that adversely impact their capacity for learning. (Gelfman, 2001). School nurses can use their expert assessment skills to appropriately delegate health-related tasks and meet the specific health care needs of students, increasing access to a free appropriate public education. (Resha,2010).

The decision to delegate is a serious responsibility that the registered nurse determines on a case-by-case basis based on the needs and condition of the student, stability and acuity of the student's condition, potential for harm, complexity of the task, and predictability of the outcome (ANA, 2005).

Nursing tasks commonly performed in the home setting by a parent/guardian or caregiver take on a more complex dimension in the school setting. Often parents, school administrators, and others are confused about why what appears to be a simple task is held to a much different and higher standard at school (NASN, 2005). The school nurse practices in the educational setting where nurses support the primary purpose of providing education and must consider meeting federal mandates, nursing licensure standards and parental expectations when working to ensure the health and safety of all students.

The appropriate professional to delegate nursing tasks is the registered professional nurse. Delegation is not appropriate for all students, all nursing tasks, or all school nurse practices. The American Nurses Association (2005) does not support nurses delegating steps in the nursing process, including nursing assessment or the use of nursing judgment (ANA/NCBSN, 2006).

Nurse-related Principles:

- The RN may delegate elements of care but does not delegate the nursing process itself.
- The RN has the duty to answer for personal actions relating to the nursing process.
- The RN takes into account the knowledge and skills of any individual to whom the RN may delegate elements of care.
- The decision of whether or not to delegate or assign is based upon the RN's judgment concerning the condition of the...student, the competence of all members of the team and the degree of supervision that will be required of the RN if a task is delegated.
- The RN delegates only those tasks for which she or he believes others have the

knowledge and skill to perform....”.

Antiepileptic medications include a sedative medication, diastat, also known as valium. Diastat may be administered rectally, the primary method of administration ordered for school age children. Side effects are common and include, but are not limited to, the following:

- drowsiness
- dizziness
- weakness
- respiratory depression

Directions for the use of “ Rectal: Diastat® AcuDial™: Prior to administration, confirm that the syringe is properly set to the correct dose and that the green "ready" band is visible.

Place patient on side (facing person responsible for monitoring), with top leg bent forward. Insert rectal tip (lubricated) gently into rectum until rim fits snug against rectal opening; push plunger gently over 3 seconds. After additional 3 seconds, remove syringe; hold buttocks together while slowly counting to 3 to prevent leakage; keep patient on side, facing towards you and continue to observe patient for:

Heart rate, respiratory rate, blood pressure, mental status.”

“Administration of rectal gel should only be performed by individuals trained to recognize characteristic seizure activity for which the product is indicated and who are capable of monitoring patient's response to determine need for additional medical intervention.”

(retrieved from http://www.uptodate.com/contents/diazepam-pediatric-drug-information?source=search_result&search=diastat&selectedTitle=1%7E150)

The Board of Nursing Examiners, in a statement issued on October 3, 2007, expressed concern:

“...that the employment of critical thinking skills, part of the ongoing nursing assessment process, that... involves...patient assessments as the patient’s tolerance to the procedure and providing interventions that may be required during...procedures... **is not a skill expectation of unlicensed... assistants.**”

Rather than continue to create such legislation, the best interests of our school children are served by professional school nurses providing care. Rather than pass single issue legislation, a standard of care will protect all children as they spend the better part of each day in school.

Unlicensed personnel and “other persons” must be supervised by a nurse and provide care that is safe and appropriate, no matter the setting. Simply because care occurs in a school does not mean that anyone can provide it.

For the health and safety of children, I urge you to oppose Raised Bill 5299.

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