



General Assembly

February Session, 2014

Raised Bill No. 5303

LCO No. 1482



Referred to Committee on COMMITTEE ON CHILDREN

Introduced by:
(KID)

AN ACT CONCERNING ACCESS TO EMERGENCY MEDICINE FOR CHILDREN WITH EPILEPSY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-212a of the 2014 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective July 1, 2014*):

4 (a) (1) A school nurse or, in the absence of such nurse, any other
5 nurse licensed pursuant to the provisions of chapter 378, including a
6 nurse employed by, or providing services under the direction of a local
7 or regional board of education at, a school-based health clinic, who
8 shall administer medical preparations only to students enrolled in such
9 school-based health clinic in the absence of a school nurse, the
10 principal, any teacher, licensed athletic trainer, licensed physical or
11 occupational therapist employed by a school district, or coach of
12 intramural and interscholastic athletics of a school may administer,
13 subject to the provisions of subdivision (2) of this subsection,
14 medicinal preparations, including such controlled drugs as the
15 Commissioner of Consumer Protection may, by regulation, designate,

16 to any student at such school pursuant to the written order of a
17 physician licensed to practice medicine, or a dentist licensed to practice
18 dental medicine in this or another state, or an optometrist licensed to
19 practice optometry in this state under chapter 380, or an advanced
20 practice registered nurse licensed to prescribe in accordance with
21 section 20-94a, or a physician assistant licensed to prescribe in
22 accordance with section 20-12d, and the written authorization of a
23 parent or guardian of such child. The administration of medicinal
24 preparations by a nurse licensed pursuant to the provisions of chapter
25 378, a principal, teacher, licensed athletic trainer, licensed physical or
26 occupational therapist employed by a school district, or coach shall be
27 under the general supervision of a school nurse. No such school nurse
28 or other nurse, principal, teacher, licensed athletic trainer, licensed
29 physical or occupational therapist employed by a school district, coach
30 or school paraprofessional administering medication pursuant to
31 subsections (d) and (e) of this section shall be liable to such student or
32 a parent or guardian of such student for civil damages for any personal
33 injuries that result from acts or omissions of such school nurse or other
34 nurse, principal, teacher, licensed athletic trainer, licensed physical or
35 occupational therapist employed by a school district, coach or school
36 paraprofessional administering medication pursuant to subsections (d)
37 and (e) of this section in administering such preparations that may
38 constitute ordinary negligence. This immunity does not apply to acts
39 or omissions constituting gross, wilful or wanton negligence.

40 (2) Each local and regional board of education that allows a school
41 nurse or, in the absence of such nurse, any other nurse licensed
42 pursuant to the provisions of chapter 378, including a nurse employed
43 by, or providing services under the direction of a local or regional
44 board of education at, a school-based health clinic, who shall
45 administer medical preparations only to students enrolled in such
46 school-based health clinic in the absence of a school nurse, the
47 principal, any teacher, licensed athletic trainer, licensed physical or
48 occupational therapist employed by a school district, or coach of

49 intramural and interscholastic athletics of a school to administer
50 medicine or that allows a student to self-administer medicine,
51 including medicine administered through the use of an asthmatic
52 inhaler or an automatic prefilled cartridge injector or similar automatic
53 injectable equipment, shall adopt written policies and procedures, in
54 accordance with this section and the regulations adopted pursuant to
55 subsection (c) of this section, that shall be approved by the school
56 medical advisor or other qualified licensed physician. Once so
57 approved, such administration of medication shall be in accordance
58 with such policies and procedures.

59 (3) A director of a school readiness program as defined in section
60 10-16p or a before or after school program exempt from licensure by
61 the Department of Public Health pursuant to subdivision (1) of
62 subsection (b) of section 19a-77, or the director's designee, may
63 administer medications to a child enrolled in such a program in
64 accordance with regulations adopted by the State Board of Education
65 in accordance with the provisions of chapter 54. No individual
66 administering medications pursuant to this subdivision shall be liable
67 to such child or a parent or guardian of such child for civil damages for
68 any personal injuries that result from acts or omissions of such
69 individual in administering such medications which may constitute
70 ordinary negligence. This immunity shall not apply to acts or
71 omissions constituting gross, wilful or wanton negligence.

72 (b) Each school wherein any controlled drug is administered under
73 the provisions of this section shall keep such records thereof as are
74 required of hospitals under the provisions of subsections (f) and (h) of
75 section 21a-254 and shall store such drug in such manner as the
76 Commissioner of Consumer Protection shall, by regulation, require.

77 (c) The State Board of Education, in consultation with the
78 Commissioner of Public Health, shall adopt regulations, in accordance
79 with the provisions of chapter 54, determined to be necessary by the
80 board to carry out the provisions of this section, including, but not

81 limited to, regulations that (1) specify conditions under which a coach
82 of intramural and interscholastic athletics may administer medicinal
83 preparations, including controlled drugs specified in the regulations
84 adopted by the commissioner, to a child participating in such
85 intramural and interscholastic athletics, (2) specify conditions and
86 procedures for the administration of medication, including, but not
87 limited to, antiepileptic medication, by school personnel to students,
88 and (3) specify conditions for self-administration of medication by
89 students, including permitting a child diagnosed with: (A) Asthma to
90 retain possession of an asthmatic inhaler at all times while attending
91 school for prompt treatment of the child's asthma and to protect the
92 child against serious harm or death provided a written authorization
93 for self-administration of medication signed by the child's parent or
94 guardian and an authorized prescriber is submitted to the school
95 nurse; and (B) an allergic condition to retain possession of an
96 automatic prefilled cartridge injector or similar automatic injectable
97 equipment at all times while attending school for prompt treatment of
98 the child's allergic condition and to protect the child against serious
99 harm or death provided a written authorization for self-administration
100 of medication signed by the child's parent or guardian and an
101 authorized prescriber is submitted to the school nurse. The regulations
102 shall require authorization pursuant to: (i) The written order of a
103 physician licensed to practice medicine in this or another state, a
104 dentist licensed to practice dental medicine in this or another state, an
105 advanced practice registered nurse licensed under chapter 378, a
106 physician assistant licensed under chapter 370, a podiatrist licensed
107 under chapter 375, or an optometrist licensed under chapter 380; and
108 (ii) the written authorization of a parent or guardian of such child.

109 (d) (1) With the written authorization of a student's parent or
110 guardian, and (2) pursuant to the written order of (A) a physician
111 licensed under chapter 370, (B) an optometrist licensed to practice
112 optometry under chapter 380, (C) an advanced practice registered
113 nurse licensed to prescribe in accordance with section 20-94a, or (D) a

114 physician assistant licensed to prescribe in accordance with section 20-
115 12d, a school nurse and a school medical advisor may jointly approve
116 and provide general supervision to an identified school
117 paraprofessional to administer medication, including, but not limited
118 to, antiepileptic medication to a specific student for prompt treatment
119 of the student's epilepsy and medication administered with a cartridge
120 injector, to a specific student with a medically diagnosed allergic
121 condition that may require prompt treatment in order to protect the
122 student against serious harm or death. For purposes of this subsection,
123 "cartridge injector" means an automatic prefilled cartridge injector or
124 similar automatic injectable equipment used to deliver epinephrine in
125 a standard dose for emergency first aid response to allergic reactions.

126 (e) (1) With the written authorization of a student's parent or
127 guardian, and (2) pursuant to a written order of the student's physician
128 licensed under chapter 370, a school nurse or a school principal shall
129 select, and a school nurse shall provide general supervision to, a
130 qualified school employee to administer medication with injectable
131 equipment used to administer glucagon to a student with diabetes that
132 may require prompt treatment in order to protect the student against
133 serious harm or death. Such authorization shall be limited to situations
134 when the school nurse is absent or unavailable. No qualified school
135 employee shall administer medication under this subsection unless (A)
136 such qualified school employee annually completes any training
137 required by the school nurse and school medical advisor in the
138 administration of medication with injectable equipment used to
139 administer glucagon, (B) the school nurse and school medical advisor
140 have attested, in writing, that such qualified school employee has
141 completed such training, and (C) such qualified school employee
142 voluntarily agrees to serve as a qualified school employee. For
143 purposes of this subsection, "injectable equipment used to administer
144 glucagon" means an injector or injectable equipment used to deliver
145 glucagon in an appropriate dose for emergency first aid response to
146 diabetes. For purposes of this subsection, "qualified school employee"

147 means a principal, teacher, licensed athletic trainer, licensed physical
148 or occupational therapist employed by a school district, coach or
149 school paraprofessional.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2014</i>	10-212a

Statement of Purpose:

To authorize certain school personnel to administer antiepileptic medication to students.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]