



General Assembly

February Session, 2014

***Raised Bill No. 5521***

LCO No. 2181



Referred to Committee on EDUCATION

Introduced by:  
(ED)

***AN ACT CONCERNING THE STORAGE AND ADMINISTRATION OF  
EPINEPHRINE AT PUBLIC SCHOOLS AND PUBLIC INSTITUTIONS OF  
HIGHER EDUCATION.***

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2       statutes is repealed and the following is substituted in lieu thereof  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 by school personnel to  
87 students, and (3) specify conditions for self-administration of  
88 medication by students, including permitting a child diagnosed with:  
89 (A) Asthma to retain possession of an asthmatic inhaler at all times  
90 while attending school for prompt treatment of the child's asthma and  
91 to protect the child against serious harm or death provided a written  
92 authorization for self-administration of medication signed by the  
93 child's parent or guardian and an authorized prescriber is submitted to  
94 the school nurse; and (B) an allergic condition to retain possession of  
95 an automatic prefilled cartridge injector or similar automatic injectable  
96 equipment at all times while attending school for prompt treatment of  
97 the child's allergic condition and to protect the child against serious  
98 harm or death provided a written authorization for self-administration  
99 of medication signed by the child's parent or guardian and an  
100 authorized prescriber is submitted to the school nurse. The regulations  
101 shall require authorization pursuant to: (i) The written order of a  
102 physician licensed to practice medicine in this or another state, a  
103 dentist licensed to practice dental medicine in this or another state, an  
104 advanced practice registered nurse licensed under chapter 378, a  
105 physician assistant licensed under chapter 370, a podiatrist licensed  
106 under chapter 375, or an optometrist licensed under chapter 380; and  
107 (ii) the written authorization of a parent or guardian of such child.

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

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

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

146 or occupational therapist employed by a school district, coach or  
147 school paraprofessional.]

148 (a) As used in this section and section 2 of this act:

149 (1) "Qualified school professional" means a nurse licensed pursuant  
150 to the provisions of chapter 378, principal, teacher, licensed athletic  
151 trainer, licensed physical or occupational therapist employed by a  
152 school district, coach of intramural or interscholastic athletics of a  
153 school or school paraprofessional;

154 (2) "Qualified medical professional" means a physician licensed  
155 under chapter 370, dentist licensed under chapter 379, optometrist  
156 licensed under chapter 380, advanced practice registered nurse  
157 licensed under chapter 378, a physician assistant licensed under  
158 chapter 370 or a podiatrist licensed under chapter 375;

159 (3) "Medication" means any medicinal preparation, including any  
160 controlled substances specifically designated in the regulations or  
161 policies, adopted pursuant to section 20-14j, medication administered  
162 with a cartridge injector and medication administered through the use  
163 of an asthmatic inhaler;

164 (4) "Cartridge injector" means an automatic prefilled cartridge  
165 injector or similar automatic injectable equipment used to deliver  
166 epinephrine in a standard dose for emergency first aid response to  
167 allergic reactions; and

168 (5) "Injectable equipment used to administer glucagon" means an  
169 injector or injectable equipment used to deliver glucagon in an  
170 appropriate dose for emergency first aid response to diabetes.

171 (b) (1) Except as provided in subdivisions (3) and (4) of this  
172 subsection, a school nurse or, in the absence of such nurse, a qualified  
173 school professional may administer medication to any student  
174 pursuant to (A) the written authorization of a parent or guardian of

175 such student, and (B) a written order of a qualified medical  
176 professional, provided such administration of medication is in  
177 accordance with the provisions of any policies and procedures  
178 adopted pursuant to subsection (c) of this section. The administration  
179 of medication by a qualified school professional pursuant to this  
180 section shall be under the general supervision of a school nurse.

181 (2) A student may self-administer medication pursuant to (A) the  
182 written authorization of a parent or guardian of such student, and (B) a  
183 written order of a qualified medical professional, provided such  
184 administration of medication is in accordance with the provisions of  
185 policies and procedures adopted pursuant to subsection (c) of this  
186 section.

187 (3) With the written authorization of a student's parent or guardian,  
188 and pursuant to a written order of the student's physician licensed  
189 under chapter 370, a school nurse or a school principal shall select, and  
190 a school nurse shall provide general supervision to, a qualified school  
191 employee to administer medication with injectable equipment used to  
192 administer glucagon to a student with diabetes who may require  
193 prompt treatment in order to protect the student against serious harm  
194 or death. Such authorization shall be limited to situations when the  
195 school nurse is absent or unavailable. No qualified school employee  
196 shall administer medication under this subdivision unless (A) such  
197 qualified school employee annually completes training required by the  
198 school nurse and school medical advisor in the administration of  
199 medication with injectable equipment used to administer glucagon, (B)  
200 the school nurse and school medical advisor have attested, in writing,  
201 that such qualified school employee has completed such training, and  
202 (C) such qualified school employee voluntarily agrees to serve as a  
203 qualified school employee.

204 (4) A school nurse or, in the absence of a school nurse, a qualified  
205 school professional shall maintain epinephrine in cartridge injectors at  
206 the school that such school nurse or qualified school professional is

207 employed for the purpose of emergency first aid to students who  
208 experience allergic reactions and do not have a prior written  
209 authorization of a parent or guardian or a prior written order of a  
210 qualified medical professional for the administration of epinephrine. A  
211 school nurse or, in the absence of such school nurse, a qualified school  
212 professional may administer such epinephrine to such students,  
213 provided such administration of epinephrine is in accordance with  
214 policies and procedures adopted pursuant to subsection (c) of this  
215 section.

216 (c) Any local and regional board of education that allows a school  
217 nurse or, in the absence of such nurse, a qualified school professional  
218 to administer medication or allows a student to self-administer  
219 medication, pursuant to subsection (b) of this section, shall adopt  
220 written policies and procedures regarding the administration of  
221 medication. Such policies and procedures shall (1) be in accordance  
222 with the provisions of this section and any regulations adopted  
223 pursuant to subsection (e) of this section, and (2) be approved by the  
224 school medical advisor or, in the absence of such school medical  
225 advisor, a qualified licensed physician.

226 (d) Each school in which medication is administered pursuant to  
227 this section shall keep a record, in accordance with the provisions of  
228 subsections (f) and (h) of section 21a-254, and shall store such  
229 medication in such manner as the Commissioner of Consumer  
230 Protection or State Board of Education shall, by regulation, require.

231 (e) The State Board of Education, in consultation with the  
232 Commissioner of Public Health, shall adopt regulations, in accordance  
233 with the provisions of chapter 54, determined to be necessary by the  
234 board to carry out the provisions of this section, including, but not  
235 limited to, regulations that (1) specify conditions under which a coach  
236 of intramural or interscholastic athletics may administer medication to  
237 a child participating in such intramural or interscholastic athletics, (2)  
238 specify conditions and procedures for the administration of medication



239 by qualified school professionals to students, (3) require the written  
240 authorization of a parent or guardian of a student and the written  
241 order of a qualified medical professional for the administration of  
242 medication by a school nurse or qualified school professional or the  
243 self-administration of medication by a student, (4) specify the  
244 conditions and manner that medication shall be stored at schools, (5)  
245 authorize the storage and administration of epinephrine for the  
246 purpose of emergency first aid to students who experience allergic  
247 reactions and who do not have a prior written authorization of a  
248 parent or guardian or a prior written order of a qualified medical  
249 professional for the administration of epinephrine, and (6) specify  
250 conditions for self-administration of medication by students, including  
251 permitting a student diagnosed with: (A) Asthma to retain possession  
252 of an asthmatic inhaler at all times while attending school for prompt  
253 treatment of the student's asthma and to protect the student against  
254 serious harm or death provided a written authorization for self-  
255 administration of medication signed by the student's parent or  
256 guardian and an authorized prescriber is submitted to the school  
257 nurse, and (B) an allergic condition to retain possession of an  
258 automatic prefilled cartridge injector or similar automatic injectable  
259 equipment at all times while attending school for prompt treatment of  
260 the student's allergic condition and to protect the child against serious  
261 harm or death provided a written authorization for self-administration  
262 of medication signed by the student's parent or guardian and an  
263 authorized prescriber is submitted to the school nurse.

264       Sec. 2. (NEW) (*Effective July 1, 2014*) (a) A director of a school  
265 readiness program, as defined in section 10-16p of the general statutes,  
266 or a before or after school program exempt from licensure by the  
267 Department of Public Health, pursuant to subdivision (1) of subsection  
268 (b) of section 19a-77 of the general statutes, or the director's designee,  
269 may administer medication to a child enrolled in such a program in  
270 accordance with regulations adopted pursuant to subsection (c) of this  
271 section. No such director, or the director's designee, administering

272 medication pursuant to this subsection shall be liable to such child or a  
273 parent or guardian of such child for civil damages for any personal  
274 injuries that result from acts or omissions of such director, or the  
275 director's designee, in administering such medication that may  
276 constitute ordinary negligence. This immunity shall not apply to acts  
277 or omissions constituting gross, wilful or wanton negligence.

278 (b) A nurse, in the absence of a school nurse, who is employed by or  
279 providing services under the direction of a local or regional board of  
280 education at a school-based health clinic may administer medication to  
281 only those students enrolled in such school-based health clinic in  
282 accordance with regulations adopted pursuant to subsection (c) of this  
283 section. No such nurse administering medication pursuant to this  
284 subsection shall be liable to such student or a parent or guardian of  
285 such student for civil damages for any personal injuries that result  
286 from acts or omissions of such nurse in administering such medication  
287 that may constitute ordinary negligence. This immunity shall not  
288 apply to acts or omissions constituting gross, wilful or wanton  
289 negligence.

290 (c) The State Board of Education, in consultation with the  
291 Commissioner of Public Health, shall adopt regulations, in accordance  
292 with the provisions of chapter 54 of the general statutes, determined to  
293 be necessary by the board to carry out the provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2014</i>	10-212a
Sec. 2	<i>July 1, 2014</i>	New section

***Statement of Purpose:***

To authorize the storage of epinephrine at schools and the administration of epinephrine to students who do not have a prior written authorization for epinephrine and to clarify the statute regarding the administration of medication in schools.

*[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.]*