



General Assembly

Substitute Bill No. 5521

February Session, 2014



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

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2 statutes is repealed and the following is substituted in lieu thereof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 policies and procedures adopted
178 pursuant to subsection (c) of this section. The administration of
179 medication by a qualified school professional pursuant to this section
180 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 professional to administer medication with injectable equipment used
192 to 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 professional
196 shall administer medication under this subdivision unless (A) such
197 qualified school professional annually completes training required by
198 the 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 professional has completed such training,
202 and (C) such qualified school professional voluntarily agrees to serve
203 as a qualified school professional.

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 a school principal shall select qualified school
212 professionals to administer such epinephrine under this subdivision,
213 and there shall be at least one such qualified school professional on the
214 grounds of the school during regular school hours in the absence of a
215 school nurse. A school nurse or, in the absence of such school nurse,
216 such qualified school professional may administer such epinephrine
217 under this subdivision, provided such administration of epinephrine is

218 in accordance with policies and procedures adopted pursuant to
219 subsection (c) of this section. Such administration of epinephrine by a
220 qualified school professional shall be limited to situations when the
221 school nurse is absent or unavailable. No qualified school professional
222 shall administer such epinephrine under this subdivision unless (A)
223 such qualified school professional annually completes training
224 required by the school nurse and school medical advisor in the
225 administration of epinephrine, and (B) the school nurse and school
226 medical advisor have attested, in writing, that such qualified school
227 professional has completed such training.

228 (c) Any local and regional board of education that allows a school
229 nurse or, in the absence of such nurse, a qualified school professional
230 or qualified medical professional to administer medication or allows a
231 student to self-administer medication, pursuant to subsection (b) of
232 this section, shall adopt written policies and procedures regarding the
233 administration of medication. Such policies and procedures shall (1) be
234 in accordance with the provisions of this section and any regulations
235 adopted pursuant to subsection (e) of this section, and (2) be approved
236 by the school medical advisor or, in the absence of such school medical
237 advisor, a qualified licensed physician.

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

243 (e) The State Board of Education, in consultation with the
244 Commissioner of Public Health, shall adopt regulations, in accordance
245 with the provisions of chapter 54, determined to be necessary by the
246 board to carry out the provisions of this section, including, but not
247 limited to, regulations that (1) specify conditions under which a coach
248 of intramural or interscholastic athletics may administer medication to
249 a child participating in such intramural or interscholastic athletics, (2)
250 specify conditions and procedures for the administration of medication

251 by qualified school professionals to students, (3) require the written
252 authorization of a parent or guardian of a student and the written
253 order of a qualified medical professional for the administration of
254 medication by a school nurse or qualified school professional or the
255 self-administration of medication by a student, (4) specify the
256 conditions and manner under which medication shall be stored at
257 schools, (5) authorize the storage and administration of epinephrine
258 for the purpose of emergency first aid to students who experience
259 allergic reactions and who do not have a prior written authorization of
260 a parent or guardian or a prior written order of a qualified medical
261 professional for the administration of epinephrine, in accordance with
262 the provisions of subdivision (4) of subsection (b) of this section, and
263 (6) specify conditions for self-administration of medication by
264 students, including permitting a student diagnosed with: (A) Asthma
265 to retain possession of an asthmatic inhaler at all times while attending
266 school for prompt treatment of the student's asthma and to protect the
267 student against serious harm or death provided a written
268 authorization for self-administration of medication signed by the
269 student's parent or guardian and an authorized prescriber is submitted
270 to the school nurse, and (B) an allergic condition to retain possession of
271 an automatic prefilled cartridge injector or similar automatic injectable
272 equipment at all times while attending school for prompt treatment of
273 the student's allergic condition and to protect the child against serious
274 harm or death provided a written authorization for self-administration
275 of medication signed by the student's parent or guardian and an
276 authorized prescriber is submitted to the school nurse.

277 (f) No school nurse, qualified school professional or qualified
278 medical professional administering medication pursuant to this section
279 shall be liable to a child or a parent or guardian of such child for civil
280 damages for any personal injuries that result from acts or omissions of
281 such school nurse, qualified school professional or qualified medical
282 professional, in administering such medication that may constitute
283 ordinary negligence. This immunity shall not apply to acts or
284 omissions constituting gross, wilful or wanton negligence.

285 Sec. 2. (NEW) (*Effective July 1, 2014*) (a) A director of a school
286 readiness program, as defined in section 10-16p of the general statutes,
287 or a before or after school program exempt from licensure by the
288 Department of Public Health, pursuant to subdivision (1) of subsection
289 (b) of section 19a-77 of the general statutes, or the director's designee,
290 may administer medication to a child enrolled in such a program in
291 accordance with regulations adopted pursuant to subsection (c) of this
292 section. No such director, or the director's designee, administering
293 medication pursuant to this subsection shall be liable to such child or a
294 parent or guardian of such child for civil damages for any personal
295 injuries that result from acts or omissions of such director, or the
296 director's designee, in administering such medication that may
297 constitute ordinary negligence. This immunity shall not apply to acts
298 or omissions constituting gross, wilful or wanton negligence.

299 (b) A nurse, in the absence of a school nurse, who is employed by or
300 providing services under the direction of a local or regional board of
301 education at a school-based health clinic may administer medication to
302 only those students enrolled in such school-based health clinic in
303 accordance with regulations adopted pursuant to subsection (c) of this
304 section. No such nurse administering medication pursuant to this
305 subsection shall be liable to such student or a parent or guardian of
306 such student for civil damages for any personal injuries that result
307 from acts or omissions of such nurse in administering such medication
308 that may constitute ordinary negligence. This immunity shall not
309 apply to acts or omissions constituting gross, wilful or wanton
310 negligence.

311 (c) The State Board of Education, in consultation with the
312 Commissioner of Public Health, shall adopt regulations, in accordance
313 with the provisions of chapter 54 of the general statutes, determined to
314 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	July 1, 2014	10-212a
Sec. 2	July 1, 2014	New section

Statement of Legislative Commissioners:

In section 10-212a (b)(1)(B), deleted "any" for consistency; in section 10-212a (b)(4) replaced "provided there is" with "and there shall be", and added "in the absence of a school nurse" for accuracy; in section 10-212a(e)(4), replaced "that" with "under which" for proper grammar; and in section 10-212a(f), replaced "such" with "a" for proper grammar.

ED *Joint Favorable Subst.*