



General Assembly

Amendment

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LCO No. 4423

HB0552104423HDO

Offered by:

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To: Subst. House Bill No. 5521

File No. 473

Cal. No. 281

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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4 statutes is repealed and the following is substituted in lieu thereof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

6 (a) (1) A school nurse or, in the absence of such nurse, any other
7 nurse licensed pursuant to the provisions of chapter 378, including a
8 nurse employed by, or providing services under the direction of a local
9 or regional board of education at, a school-based health clinic, who
10 shall administer medical preparations only to students enrolled in such
11 school-based health clinic in the absence of a school nurse, the
12 principal, any teacher, licensed athletic trainer, licensed physical or

13 occupational therapist employed by a school district, or coach of
14 intramural and interscholastic athletics of a school may administer,
15 subject to the provisions of subdivision (2) of this subsection,
16 medicinal preparations, including such controlled drugs as the
17 Commissioner of Consumer Protection may, by regulation, designate,
18 to any student at such school pursuant to the written order of a
19 physician licensed to practice medicine, or a dentist licensed to practice
20 dental medicine in this or another state, or an optometrist licensed to
21 practice optometry in this state under chapter 380, or an advanced
22 practice registered nurse licensed to prescribe in accordance with
23 section 20-94a, or a physician assistant licensed to prescribe in
24 accordance with section 20-12d, and the written authorization of a
25 parent or guardian of such child. The administration of medicinal
26 preparations by a nurse licensed pursuant to the provisions of chapter
27 378, a principal, teacher, licensed athletic trainer, licensed physical or
28 occupational therapist employed by a school district, or coach shall be
29 under the general supervision of a school nurse. No such school nurse
30 or other nurse, principal, teacher, licensed athletic trainer, licensed
31 physical or occupational therapist employed by a school district, coach
32 or school paraprofessional administering medication pursuant to
33 [subsections (d) and (e) of] this section shall be liable to such student or
34 a parent or guardian of such student for civil damages for any personal
35 injuries that result from acts or omissions of such school nurse or other
36 nurse, principal, teacher, licensed athletic trainer, licensed physical or
37 occupational therapist employed by a school district, coach or school
38 paraprofessional administering medication pursuant to [subsections
39 (d) and (e) of] this section in administering such preparations that may
40 constitute ordinary negligence. This immunity does not apply to acts
41 or omissions constituting gross, wilful or wanton negligence.

42 (2) Each local and regional board of education that allows a school
43 nurse or, in the absence of such nurse, any other nurse licensed
44 pursuant to the provisions of chapter 378, including a nurse employed
45 by, or providing services under the direction of a local or regional
46 board of education at, a school-based health clinic, who shall

47 administer medical preparations only to students enrolled in such
48 school-based health clinic in the absence of a school nurse, the
49 principal, any teacher, licensed athletic trainer, licensed physical or
50 occupational therapist employed by a school district, [or] coach of
51 intramural and interscholastic athletics or school paraprofessional of a
52 school to administer medicine or that allows a student to self-
53 administer medicine, including medicine administered through the
54 use of an asthmatic inhaler or an automatic prefilled cartridge injector
55 or similar automatic injectable equipment, shall adopt written policies
56 and procedures, in accordance with this section and the regulations
57 adopted pursuant to subsection (c) of this section, that shall be
58 approved by the school medical advisor, if any, or other qualified
59 licensed physician. Once so approved, such administration of
60 medication shall be in accordance with such policies and procedures.

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

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

79 (c) The State Board of Education, in consultation with the

80 Commissioner of Public Health, shall adopt regulations, in accordance
81 with the provisions of chapter 54, determined to be necessary by the
82 board to carry out the provisions of this section, including, but not
83 limited to, regulations that (1) specify conditions under which a coach
84 of intramural and interscholastic athletics may administer medicinal
85 preparations, including controlled drugs specified in the regulations
86 adopted by the commissioner, to a child participating in such
87 intramural and interscholastic athletics, (2) specify conditions and
88 procedures for the administration of medication by school personnel to
89 students, including the conditions and procedures for the storage and
90 administration of epinephrine by school personnel to students for the
91 purpose of emergency first aid to students who experience allergic
92 reactions and who do not have a prior written authorization for the
93 administration of epinephrine, in accordance with the provisions of
94 subdivision (2) of subsection (d) of this section, and (3) specify
95 conditions for self-administration of medication by students, including
96 permitting a child diagnosed with: (A) Asthma to retain possession of
97 an asthmatic inhaler at all times while attending school for prompt
98 treatment of the child's asthma 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; and (B) an
102 allergic condition to retain possession of an automatic prefilled
103 cartridge injector or similar automatic injectable equipment at all times
104 while attending school for prompt treatment of the child's allergic
105 condition and to protect the child against serious harm or death
106 provided a written authorization for self-administration of medication
107 signed by the child's parent or guardian and an authorized prescriber
108 is submitted to the school nurse. The regulations shall require
109 authorization pursuant to: (i) The written order of a physician licensed
110 to practice medicine in this or another state, a dentist licensed to
111 practice dental medicine in this or another state, an advanced practice
112 registered nurse licensed under chapter 378, a physician assistant
113 licensed under chapter 370, a podiatrist licensed under chapter 375, or
114 an optometrist licensed under chapter 380; and (ii) the written

115 authorization of a parent or guardian of such child.

116 (d) (1) (A) With the written authorization of a student's parent or
117 guardian, and ~~[(2)] (B)~~ pursuant to the written order of ~~[(A) a physician~~
118 licensed under chapter 370, (B) an optometrist licensed to practice
119 optometry under chapter 380, (C) an advanced practice registered
120 nurse licensed to prescribe in accordance with section 20-94a, or (D) a
121 physician assistant licensed to prescribe in accordance with section 20-
122 12d] a qualified medical professional, a school nurse and a school
123 medical advisor, if any, may jointly approve and provide general
124 supervision to an identified school paraprofessional to administer
125 medication, including, but not limited to, medication administered
126 with a cartridge injector, to a specific student with a medically
127 diagnosed allergic condition that may require prompt treatment in
128 order to protect the student against serious harm or death.

129 (2) A school nurse or, in the absence of a school nurse, a qualified
130 school employee shall maintain epinephrine in cartridge injectors for
131 the purpose of emergency first aid to students who experience allergic
132 reactions and do not have a prior written authorization of a parent or
133 guardian or a prior written order of a qualified medical professional
134 for the administration of epinephrine. A school nurse or a school
135 principal shall select qualified school employees to administer such
136 epinephrine under this subdivision, and there shall be at least one such
137 qualified school employee on the grounds of the school during regular
138 school hours in the absence of a school nurse. A school nurse or, in the
139 absence of such school nurse, such qualified school employee may
140 administer such epinephrine under this subdivision, provided such
141 administration of epinephrine is in accordance with policies and
142 procedures adopted pursuant to subsection (a) of this section. Such
143 administration of epinephrine by a qualified school employee shall be
144 limited to situations when the school nurse is absent or unavailable.
145 No qualified school employee shall administer such epinephrine under
146 this subdivision unless such qualified school employee annually
147 completes the training program described in section 2 of this act. The
148 parent or guardian of a student may submit, in writing, to the school

149 nurse and school medical advisor, if any, that epinephrine shall not be
150 administered to such student under this subdivision.

151 (3) For purposes of this subsection, (A) "cartridge injector" means an
152 automatic prefilled cartridge injector or similar automatic injectable
153 equipment used to deliver epinephrine in a standard dose for
154 emergency first aid response to allergic reactions, (B) "qualified school
155 employee" means a principal, teacher, licensed athletic trainer, licensed
156 physical or occupational therapist employed by a school district, coach
157 or school paraprofessional, and (C) "qualified medical professional"
158 means (i) a physician licensed under chapter 370, (ii) an optometrist
159 licensed to practice optometry under chapter 380, (iii) an advanced
160 practice registered nurse licensed to prescribe in accordance with
161 section 20-94a, or (iv) a physician assistant licensed to prescribe in
162 accordance with section 20-12d.

163 (e) (1) With the written authorization of a student's parent or
164 guardian, and (2) pursuant to a written order of the student's physician
165 licensed under chapter 370, a school nurse or a school principal shall
166 select, and a school nurse shall provide general supervision to, a
167 qualified school employee to administer medication with injectable
168 equipment used to administer glucagon to a student with diabetes that
169 may require prompt treatment in order to protect the student against
170 serious harm or death. Such authorization shall be limited to situations
171 when the school nurse is absent or unavailable. No qualified school
172 employee shall administer medication under this subsection unless (A)
173 such qualified school employee annually completes any training
174 required by the school nurse and school medical advisor, if any, in the
175 administration of medication with injectable equipment used to
176 administer glucagon, (B) the school nurse and school medical advisor,
177 if any, have attested, in writing, that such qualified school employee
178 has completed such training, and (C) such qualified school employee
179 voluntarily agrees to serve as a qualified school employee. For
180 purposes of this subsection, "injectable equipment used to administer
181 glucagon" means an injector or injectable equipment used to deliver
182 glucagon in an appropriate dose for emergency first aid response to

183 diabetes. For purposes of this subsection, "qualified school employee"
 184 means a principal, teacher, licensed athletic trainer, licensed physical
 185 or occupational therapist employed by a school district, coach or
 186 school paraprofessional.

187 Sec. 2. (NEW) (*Effective July 1, 2014*) Not later than December 31,
 188 2014, the Departments of Education and Public Health shall jointly
 189 develop, in consultation with the School Nurse Advisory Council,
 190 established pursuant to section 10-212f of the general statutes, an
 191 annual training program regarding emergency first aid to students
 192 who experience allergic reactions. Such annual training program shall
 193 include instruction in (1) cardiopulmonary resuscitation, (2) first aid,
 194 (3) food allergies, (4) the signs and symptoms of anaphylaxis, (5)
 195 prevention and risk-reduction strategies regarding allergic reactions,
 196 (6) emergency management and administration of epinephrine, (7)
 197 follow-up and reporting procedures after a student has experienced an
 198 allergic reaction, (8) carrying out the provisions of subdivision (2) of
 199 subsection (d) of section 10-212a of the general statutes, as amended by
 200 this act, and (9) any other relevant issues and topics related to
 201 emergency first aid to students who experience allergic reactions. The
 202 Department of Education shall make such annual training program
 203 available to local and regional boards of education."

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