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Notice of Intent to CLICK TO CHOOSE ACTION Regulations

In accordance with the provisions of Section 4-168(a) of the *General Statutes of the State of Connecticut (CGS)*, as amended, the **Connecticut State Board of Education** hereby gives notice that it proposes to amend regulations concerning **Administration of Medications by School Personnel and Administration of Medication During Before-and After-School Programs and School Readiness Programs**, under the authority of **Section 10-212a(c) as amended by Public Act No. 14-176**. Full text or a description of the proposed regulations, a statement of the purposes for which they are proposed, and information concerning when, where and how interested parties may present views on and obtain copies of the proposed regulations, and of any small business impact and regulatory flexibility analyses required pursuant to CGS section 4-168a, is provided below.

1. Description of the proposed regulations.

(Or, check here if full text of the proposed regulations is appended to this notice in lieu of description.)

2. Statement of purpose.

The purpose of this amendment is to implement the provisions of Public Act 14-176. This Public Act amended section 10-212a of the Connecticut General Statutes to require schools to maintain epinephrine in cartridge injectors to be administered as emergency first aid to students who experience allergic reactions when the student does not have a prior written authorization of a parent or guardian or a prior written order of a qualified medical professional for the administration of epinephrine. Public Act 14-176 provides that epinephrine may be administered on an emergency basis by a school nurse or, if the school nurse is absent or unavailable, by a qualified school employee who has completed the training program required by the statute.

Existing regulations concerning the administration of medication in schools only address situations where a student has parental authorization and the order of a practitioner for the administration of the medication. See Reg. Conn. State Agencies sections 10-212a-1 through 10-212a-10. The Connecticut State Board of Education here proposes to add a new section, 10-212a-11, which will outline policies and procedures to be promulgated by regional and local boards of education to implement the new requirements imposed by Public Act 14-176.

3. Procedures and deadline for submitting comments.

All interested parties who wish to submit data, facts, views, or arguments on the proposed regulation may do so in writing or orally at the public hearing noticed below. Any written materials should be directed to:

Stephanie Knutson, MSN, R.N.
Connecticut State Department of Education
25 Industrial Park Road
Middletown, CT 06457
Stephanie.knutson@ct.gov

The deadline for the submission of written data, facts, views, or arguments is November 10, 2014, the date of the public hearing.

A public hearing on the proposed regulations will be held on November 10, 2014 from 9:00 a.m. until 12:00 noon in Conference Room MCR 4 at the Connecticut State Department of Education, 25 Industrial Park Road, Middletown, CT 06457. Interested parties may submit data, facts, views or arguments, orally or in writing at this hearing.

4. Procedure for obtaining copies of the proposed regulations, the small business impact and regulatory flexibility analyses, if required pursuant to CGS section 4-168a, and the fiscal note:

The proposed regulation is included below. A copy of the proposed regulation, small business impact statement, and fiscal note can also be obtained by emailing Stephanie Knutson, MSN, R.N., at Stephanie.knutson@ct.gov or writing to Ms. Knutson at the address listed above.

5. If box in Number 1 above is checked, insert full text of the proposed regulations below.

See below.

STATE OF CONNECTICUT
REGULATION
of

DEPARTMENT OF EDUCATION

Administration of Medications by School Personnel and
Administration of Medication During Before- and After-School
Programs and School Readiness Programs

The Regulations of Connecticut State Agencies are amended as follows:

(NEW) Section 10-212a-11 Emergency Administration of Epinephrine to Students who do not have Prior Written Authorization.

Epinephrine may be administered to students who experience allergic reactions for the purpose of emergency first aid as set forth in Connecticut General Statutes section 10-212a and this section. This section applies only to students who do not have a prior written authorization of a parent or guardian and a prior written order of a qualified medical professional for the administration of epinephrine. Administration of epinephrine to students who do have a prior authorization and order is governed by other sections of these regulations.

(a) Definitions. As used in this subdivision:

(1) "Qualified medical professional," as defined in section 10-212 of the Connecticut General Statutes, means (i) a physician licensed under chapter 370, (ii) an optometrist licensed to practice optometry under chapter 380, (iii) an advanced practice registered nurse licensed to prescribe in accordance with section 20-94a, or (iv) a physician assistant licensed to prescribe in accordance with section 20-12d.

(2) "Qualified school employee," as defined in section 10-212 of the Connecticut General Statutes, means a principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by a school district, coach or school paraprofessional.

(b) The local or regional board of education shall develop policies and procedures, to be reviewed on an annual basis, for the administration of epinephrine as emergency first aid to students who experience allergic reactions and who do not have a prior written authorization of a parent or guardian or prior written order of a qualified medical professional for the administration of epinephrine. Such policies and procedures shall be developed with input from, and approved by, the school medical advisor or a licensed physician and the school nurse supervisor. These policies and procedures shall include provision for:

(1) administration of epinephrine as emergency first aid by the school nurse or, when the school nurse is absent or unavailable, by a qualified school employee who has completed the training required by subsection (f) of this section;

- (2) determination of the level of nursing services and number of qualified school employees needed to ensure that there is at least one such qualified school employee on the grounds of each school in the district during regular school hours in the absence of a school nurse;
- (3) determination of the supply of epinephrine in cartridge injectors that shall be available in each school in the district;
- (4) selection of qualified school employees by a school nurse or a school principal from employees who voluntarily agree to complete the training required by subsection (f) of these regulations and to administer epinephrine as emergency first aid;
- (5) the conditions under which qualified school employees may administer epinephrine in cartridge injectors to students who do not have a prior written authorization of a parent or guardian or a prior written order of a qualified medical professional for the administration of epinephrine;
- (6) designation of a person responsible for decision making in the absence of the school nurse; and
- (7) a mechanism to ensure communication to one or more qualified school employees and other staff that the school nurse is absent or unavailable and that a qualified school employee shall be responsible for the emergency administration of epinephrine.

(c) Documentation and reporting.

- (1) Documentation shall be completed and maintained on forms provided by the local or regional board of education.
- (2) Emergency administration of epinephrine with a cartridge injector shall be reported immediately to the school nurse and the student's parent or guardian.
- (3) A separate administration of medication record for each student shall be maintained and shall be submitted to the school nurse at the earliest possible time but not later than the next school day and filed in or summarized on the student's cumulative health record according to local or regional board of education policy.
- (4) Medication errors shall be reported immediately to the school nurse, the school nurse supervisor, the medical advisor, and the student's parent or guardian. Documentation of the medication error shall be submitted to the school nurse at the earliest possible time but not later than the next school day and filed in or summarized on the student's cumulative health record according to local or regional board of education policy.

(d) Supervision of the emergency administration of epinephrine with a cartridge injector shall be the responsibility of the local or regional board of education.

(e) Handling, storage and disposal of epinephrine maintained for the purposes of emergency first aid shall be in accordance with subdivisions (d), (e), (f), (g) and (i) of Section 10-212a-5 of these regulations.

(f) No qualified school employee shall administer epinephrine under this section unless such qualified school employee annually completes the training program regarding emergency first aid to students who experience allergic reactions developed by the Departments of Education and Public Health in consultation with the School Nurse Advisory Council. The training program shall include instruction in:

- (A) cardiopulmonary resuscitation;

- (B) first aid;
- (C) food allergies;
- (D) the signs and symptoms of anaphylaxis;
- (E) prevention and risk-reduction strategies regarding allergic reactions;
- (F) emergency management and administration of epinephrine;
- (G) follow-up and reporting procedures after a student has experienced an allergic reaction;
- (H) carrying out the provisions of subdivision (2) of subsection (d) of section 10-212a of the general statutes, as amended by this act; and
- (I) any other relevant issues and topics related to emergency first aid to students who experience allergic reactions.

(g) The parent or guardian of a student may submit, in writing, to the school nurse and school medical advisor, if any, a notice that epinephrine shall not be administered to such student. The school district shall annually notify parents or guardians of the need to provide such written notice.