



General Assembly

February Session, 2018

Raised Bill No. 5341

LCO No. 1959



Referred to Committee on EDUCATION

Introduced by:
(ED)

AN ACT PROVIDING IMMUNITY FROM LIABILITY FOR SCHOOL BUS DRIVERS WHO MAY ADMINISTER MEDICATION TO A STUDENT.

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

1 Section 1. Subdivisions (1) and (2) of subsection (a) of section 10-
2 212a of the general statutes are repealed and the following is
3 substituted in lieu thereof (*Effective July 1, 2018*):

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 or school bus driver of a school
13 may administer, subject to the provisions of subdivision (2) of this
14 subsection, medicinal preparations, including such controlled drugs as
15 the Commissioner of Consumer Protection may, by regulation,
16 designate, to any student at such school pursuant to the written order

17 of a physician licensed to practice medicine, or a dentist licensed to
18 practice dental medicine in this or another state, or an optometrist
19 licensed to practice optometry in this state under chapter 380, or an
20 advanced practice registered nurse licensed to prescribe in accordance
21 with 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 or
27 school bus driver shall be under the general supervision of a school
28 nurse. No such school nurse or other nurse, principal, teacher, licensed
29 athletic trainer, licensed physical or occupational therapist employed
30 by a school district, coach, [or] school paraprofessional or school bus
31 driver administering medication pursuant to this section shall be liable
32 to such student or a parent or guardian of such student for civil
33 damages for any personal injuries that result from acts or omissions of
34 such school nurse or other nurse, principal, teacher, licensed athletic
35 trainer, licensed physical or occupational therapist employed by a
36 school district, coach, [or] school paraprofessional or school bus driver
37 administering medication pursuant to this section in administering
38 such preparations that may constitute ordinary negligence. This
39 immunity does not apply to acts or omissions constituting gross, wilful
40 or wanton negligence.

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

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

60 Sec. 2. Subdivision (1) of subsection (d) of section 10-212a of the
61 general statutes is repealed and the following is substituted in lieu
62 thereof (*Effective July 1, 2018*):

63 (d) (1) (A) With the written authorization of a student's parent or
64 guardian, and (B) pursuant to the written order of a qualified medical
65 professional, a school nurse and a school medical advisor, if any, may
66 jointly approve and provide general supervision to an identified
67 school paraprofessional or an identified school bus driver to
68 administer medication, including, but not limited to, medication
69 administered with a cartridge injector, to a specific student with a
70 medically diagnosed allergic condition that may require prompt
71 treatment in order to protect the student against serious harm or death.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2018</i>	10-212a(a)(1) and (2)
Sec. 2	<i>July 1, 2018</i>	10-212a(d)(1)

Statement of Purpose:

To include school bus drivers in the list of persons protected from liability for administering medication to a student.

[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.]