

**SPECIAL  
POINTS OF  
INTEREST:**

- Learn when and how you can allow a student to self-carry and self-administer certain medications.
- Review recommended considerations when a nurse is not available to attend a field trip.
- Department of Health provides guidance on medical marijuana in the school setting.
- Maintain access to emergency Epi-Pens through a prescription in the school's name

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## Self-Administering Medication

Despite the shortage of school nurses, Districts are required to provide health services, including the administration of medication during the school day in order for a student to remain in school. More students than ever before require medication during the school day. In certain circumstances, PA law allows for students to self-administer a limited number of medications

in school.

In PA, the only medication a student may self-carry and self administer are an asthma rescue inhaler, insulin, glucagon and an epinephrine auto-injector (Epi-pen). This may not be an option for every student who requires these medications; but the team should always discuss whether self administration is appropriate for

each individual student.

Your District should also have a written policy that addresses the possession and self-administration of certain medications. Ensure that your District has such a policy. If it does not, one should be adopted by the Board.

This article will outline the legal requirements for allowing a student to self medicate.

[Read More about Self-Administering Medication on page 3](#)

## Medication on Field Trips

A student who receives medication during the school day is entitled to the same health services while they are attending a field trip. A student cannot be denied access to a field trip because they require medications. While many districts assign the school nurse to attend the field trip, this is not always possible. The Pennsylvania Department of Health, Division of School Health has issued guidance for District's to consider when a student who requires medication is attending a field trip.

[Read more about the Guidance on page 2](#)



## FIELD TRIP CONSIDERATIONS

*(Continued from page 1)*

### **Can the District Require the Parent To Attend the Field Trip?**

The school district may ask the parent to accompany their student on a field trip to provide the medication; however, the District cannot require the parent do so as a condition of the student attending.

### **Can the Parent Designate Someone Else To Attend?**

If a parent is unable to attend the field trip with the student, they may designate a responsible adult to attend under the following conditions:

- \*The parent must provide the supplies and training to the responsible adult. The school nurse may not provide training, supplies or medications and cannot be involved in the delegation process per the PA Nurse Practice Act.
- \*The parent may not delegate the responsibility of administering medication to any school staff, school designated chaperone or secondary student.
- \*The parent may not prescribe or alter the medication administration orders unless the parent is a PA licensed prescriber.

### **Can A Student Self Administer Medication on a Field Trip?**

Yes, as outlined in this newsletter, students may self-carry and self-administer asthma inhalers, insulin, glucagon and Epi-Pens only. No other medication can be self-administered. As with in-school requirements, the student must have a provider's written order and parent permission to self-carry and self-administer and the student must demonstrate to the school nurse that they are responsible to safely do so.

### **Can a District Use a Licensed Volunteer Who Is Also on the Trip?**

Yes, assuming that their assigned duties are within their professional scope of practice and their license is active and in good standing. The student's prescription must be written to permit a licensed volunteer to administer the medication or perform the treatment. The licensed volunteer should be provided with plans of care and the orders for the students. The licensed volunteer should be properly trained to perform the treatment the student requires.

### **Can the District Hire an EMT/Paramedic?**

No, if the EMT is not under Emergency Medical Services (EMS) medical command, they cannot administer medication or treatment to students who are under school jurisdiction.

### **Can the District Use Non-Licensed Volunteers or School Staff?**

The only medications that can be administered by a non-licensed person are asthma inhalers, Epi-Pens, insulin, glucagon and Narcan. This must be included in school policy. The non-licensed individual should be trained and demonstrate to the nurse that she or he is capable of administering the medication.

### **Can The Parent Simply Sign a Waiver of Liability to Allow A Non-Licensed Volunteer or School Staff to Administer Medication?**

Waivers may only be signed for possession and use of asthma inhalers, Epi-Pens, diabetes medication and monitoring equipment. Additional waivers are not permitted.



## Self Administering Medication

*(Continued from page 1)*

### **ASTHMA INHALERS AND EPI-PENS**

In 2004 the PA Public School Code was amended to require schools to adopt policies that allow for the possession and self-administration of asthma inhalers by students in the school setting. In 2010 the School Code was amended again to include Epi-Pens. The purpose of this amendment was to ensure that a child has their asthma medication immediately available if they have an asthma attack and Epi-Pen in case of anaphylaxis.

If a student wants to possess and self-administer an inhaler or Epi-Pen in school they must:

- Be able to demonstrate the ability to use the inhaler or Epi-Pen. This can be to the school nurse.
- Behave responsibly when using the inhaler or Epi-Pen.
- Notify the school nurse immediately following the use of the asthma inhaler or Epi-Pen.

Schools may restrict or deny a child's request to carry an inhaler or Epi-Pen if these requirements are not met, abused or ignored.

The District may also require a written statement from the child's health care provider that states:

- The name and dose of the medication
- The times when medication is to be taken
- The diagnosis or reason for the medication
- Information on serious reactions that could occur and the appropriate emergency responses
- That the child is qualified and able to self-administer the medication.

The District may also require a written statement from the parent or guardian that:

- The school follow the health care provider's orders
- The school entity and/or school employee be relieved of any responsibility for the benefits or consequences of the medication.
- The school bears no responsibility for ensuring that the medication is taken by the student.

### **DIABETES MEDICATION**

In 2016 the PA Public School Code was further amended to permit parents to request that their child with diabetes possess and self-administer diabetes medication and operate monitoring equipment in the school setting. Diabetes medication is defined as glucagon and insulin. Parents must provide the same information required for asthma inhalers or Epi-Pens with some additional requirements:

- The student's health care provider shall also state whether the student is able to practice proper safety precautions for handling and disposal of medication and monitoring equipment.
- The student must provide a written acknowledgment that s/he has received instruction from their health care provider on proper safety precautions for handling and disposal of the medication and monitoring equipment; as well as a written acknowledgment that the student will not allow other student to have access to the medication or monitoring equipment.
- If the school prohibits a student from possessing and self-administering diabetes medication or equipment, the District must ensure that the medication or equipment is appropriately stored and readily accessible to the student.



## WHAT DO YOU THINK?

A student with a disability in your District has been prescribed medical marijuana. At the IEP meeting the parents ask whether their child is permitted to take the medical marijuana in school? Ideally, the parent would like to send the medical marijuana to school to be administered by the school nurse like any other prescribed medication. In the alternative, she would be willing to come to the school to give her child the medical marijuana. Can the student be given the medical marijuana? If so, who is permitted to administer it to the student and under what conditions?

The PA Department of Health has issued Guidance for Schools supporting the administration of medical marijuana under a Patient Authorization Letter. The Guidance DOES NOT require or permit school district administration, staff, or designated volunteers to administer medical marijuana in the school setting nor does it permit the student themselves to possess or self administer the medical marijuana on school property or during a school activity. It does however, permit a parent, legal guardian or caregiver to administer the medical marijuana to the student on school premises under the following conditions:

1. The parents must provide the school district with a copy of the Patient Authorization letter;
2. The parent notifies the school principal in advance of each instance where the parent will administer the medical marijuana to the student;
3. The principal would then notify the school nurse in each instance where the parent is administering the medical marijuana as well;
4. The parent must follow all school protocols for school visitors during the school day;
5. The parent brings the medical marijuana with them to school—it is not maintained at school;
6. The parent promptly removes any excess medical marijuana and related materials from the school premises after administration is complete;
7. The school provides a secure and private location for the parent to administer the medical marijuana.



## School Access to Emergency Epinephrine

In 2014, the School Code was again revised to allow school employees who are not nurses to be trained to administer an Epi-Pen. In 2017 that statute was expanded to include school bus drivers and crossing guards.

	<b>Details</b>
<b>Trained School Employees</b>	<ul style="list-style-type: none"> <li>• May provide an Epi-Pen with a prescription to either the school or individual to a student who is authorized to self-administer an Epi-Pen</li> <li>• May administer an Epi-Pen to a student that meets the prescription on file for either the student or school entity</li> <li>• May administer an Epi-Pen the meets the prescription on file to a student that the employee in good faith believes to be having an anaphylactic reaction</li> <li>• No employee may be required to fulfill this role</li> </ul>
<b>Prescriptions</b>	<ul style="list-style-type: none"> <li>• A doctor or certified registered nurse practitioner may prescribe epinephrine auto-injectors in the name of the school entity to be maintained by the school.</li> <li>• The prescription does not have to be in an individual student's name</li> <li>• The prescription is a standing order from the health care provider.</li> <li>• If an individual student does not have an Epi-Pen or a prescription for an Epi-Pen on file, the trained school employee may utilize the school's supply of Epi-Pens to respond to a student's anaphylactic reaction</li> </ul>
<b>Training</b>	<ul style="list-style-type: none"> <li>• Individuals who are responsible for storage and use of an Epi-Pen must successfully complete a training program</li> <li>• Training program is developed and implemented by the Department of Health.</li> <li>• Ensure that new teachers who volunteer for this role are properly trained.</li> </ul>
<b>Additional Protocols</b>	<ul style="list-style-type: none"> <li>• When a student is believed to be having an anaphylactic reaction, the school nurse or individual responsible for the storage and use of an Epi-Pen must contact 911 as soon as possible.</li> <li>• Parents must be notified that they can opt out of these procedures by returning an opt out form.</li> </ul>
<b>Liability</b>	<ul style="list-style-type: none"> <li>• Good Samaritan civil immunity and civil immunity for providing emergency care, first aid and rescue shall apply to a school employee who administers an Epi-Pen under this section of the School Code.</li> </ul>





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**If you have a special education issue you would like to see addressed in subsequent issues of this newsletter, please write to or e-mail Trish Andrews at the above address.**

Andrews & Price, LLP is the pre-eminent law firm in Western Pennsylvania in the practice of Public Sector Law. Our attorneys have more than 60 years of combined experience servicing School Districts. We provide a full range of legal services to our clients, including serving as Solicitor for various school districts, serving as special counsel for special education due process hearings, presenting seminars relating to the Reauthorization of IDEA and representing our clients in all types of litigation, including defense of numerous civil rights suits in federal and state Court.



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## TRI-STATE AREA SCHOOL STUDY COUNCIL

Tri-State Area School Study Council of the Administrative and Policy Studies Department of the School of Education of the University of Pittsburgh seeks ways to increase organizational capacity in schools through problem solving, technical service, and staff development so all students will be better prepared to make contributions to both our democratic society and the world community.

Tri-State was founded in 1948 by Dr. Maurice Thomas. Since its inception, Tri-State has provided a wealth of comprehensive technical assistance, strategic planning, and employment searches to school districts in the Western Pennsylvania region. Tri-State's vast knowledge and experience base draws upon a membership of 100+ school districts and a team of leaders and consultants with rich backgrounds in education, including former school superintendents and professors of education.

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## *Consult Your Solicitor!*

*The legal issues discussed herein are for the purpose of providing general knowledge and guidance in the area of special education. This newsletter should not be construed as legal advice and does not replace the need for legal counsel with respect to particular problems which arise in each district. As each child is unique, each legal problem is unique. Accordingly, when districts are faced with a particular legal problem, they should consult their solicitor or with special education counsel to work through the issues on a case by case basis.*