

1 **ADMINISTRATION OF MEDICATION TO**
2 **STUDENTS AMENDMENTS**

3 2008 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Rebecca D. Lockhart**

6 Senate Sponsor: Carlene M. Walker

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the State System of Public Education Code relating to the
11 administration of medication to students.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ allows school administrators rather than school boards to meet certain requirements;
- 15 ▶ modifies the role of school nurses relating to the administration of medication to
- 16 students; and
- 17 ▶ makes technical corrections.

18 **Monies Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **53A-11-601**, as enacted by Laws of Utah 1988, Chapter 236

26 *Be it enacted by the Legislature of the state of Utah:*

27 Section 1. Section **53A-11-601** is amended to read:



28 **53A-11-601. Administration of medication to students -- Prerequisites --**
 29 **Immunity from liability.**

30 (1) A public or private school that holds any classes in grades kindergarten through 12
 31 may provide for the administration of medication to any student during periods when the
 32 student is under the control of the school, subject to the following conditions:

33 (a) the local school board [~~or its~~], charter school governing board, or the private
 34 equivalent [~~has consulted~~], after consultation with the Department of Health and [~~other~~
 35 ~~appropriate health professionals and adopted~~] school nurses shall adopt policies that provide
 36 for:

- 37 (i) the designation of ~~§~~→ volunteer ←~~§~~ employees who may administer medication;
 38 (ii) proper identification and safekeeping of medication;
 39 (iii) the training of designated ~~§~~→ volunteer ←~~§~~ employees by the school nurse; [~~and~~]
 40 (iv) maintenance of records of administration; and
 41 (v) notification to the school nurse of medication that will be administered to students;

42 and

43 (b) medication may only be administered to a student if:

44 (i) the student's parent or legal guardian has provided a current written and signed
 45 request that medication be administered during regular school hours to the student; and

46 (ii) the student's [~~physician, dentist, nurse practitioner, or physician assistant has~~
 47 ~~provided a signed statement describing~~] licensed health care provider has prescribed the
 48 medication and provides documentation as to the method, amount, and time schedule for
 49 administration, and a statement that administration of medication by school employees during
 50 periods when the student is under the control of the school is medically necessary.

51 (2) Authorization for administration of medication by school personnel may be
 52 withdrawn by the school at any time following actual notice to the student's parent or guardian.

53 (3) School personnel who provide assistance under Subsection (1) in substantial
 54 compliance with the [~~physician's or dentist's~~] licensed health care provider's written [~~statement~~]
 55 prescription and the employers of these school personnel are not liable, civilly or criminally,
 56 for:

57 (a) any adverse reaction suffered by the student as a result of taking the medication;

58 and

59 (b) discontinuing the administration of the medication under Subsection (2).

Legislative Review Note
as of 9-20-07 9:28 AM

Office of Legislative Research and General Counsel

H.B. 245 - Administration of Medication to Students Amendments

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals and businesses. Local districts may incur costs associated with health professionals who participate in policy adoption, train employees that administer medication, and who receive notifications regarding medications that will be administered.
