

BOARD AGENDA ITEM

January 23, 2024

SUBJECT:

Policy JLCD Assisting Students with Medicines, Second Reading
Policy JLCDB Use of Lifesaving Medications, Second Reading

BACKGROUND INFORMATION:

On May 16, 2023, Governor Henry McMaster signed into law Lifesaving Medications in Schools. This law authorized the Department of Health and Environmental Control (DHEC), in consultation with the South Carolina Department of Education, to create and update a list of lifesaving medications school nurses and trained staff are authorized to use in schools and to provide guidelines for each medication. Policy JLCD Assisting Students with Medicines is revised to align with the new law and proposed Policy JLCDB Use of Lifesaving Medications.

ADMINISTRATIVE CONSIDERATION:

Administration recommends the adoption of Policy JLCDB Use of Lifesaving Medications and the revision of Policy JLCD Assisting Students with Medicines.

RECOMMENDATION:

Approve the following policies:

Policy JLCD Assisting Students with Medicines, Second Reading
Policy JLCDB Use of Lifesaving Medications, Second Reading

ATTACHMENTS:

Policy JLCD Assisting Students with Medicines
Policy JLCDB Use of Lifesaving Medications

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ASSISTING STUDENTS WITH MEDICINES

Code **JLCD** Issued **6/22/24**

Purpose: To establish structure for assisting students with medications in a school setting.

When possible, medications should be given by parents/legal guardians before or after school hours. Any prescription medication to be given at school or school related activities must be accompanied by written orders from a healthcare practitioner who is recognized by South Carolina's Department of Labor, Licensing, and Regulation as authorized to prescribe medications. Over the counter medications and herbal/alternative medicinal products will require a written order from a healthcare practitioner if doses are different than the directions as stated on the original label.

The school nurse will train unlicensed school personnel to assist with routine medications. If the nurse is absent, the school does not have a full time nurse assigned or the nurse is not present in the health office because of other duties or assignments the principal or his/her designee is responsible for assisting students with medications.

Medications must be brought to the school by a responsible adult and delivered to the school nurse, or in the absence of the nurse, to the school employee designated by the principal. The responsible adult delivering medication to the school may be required to count and sign in medication with the nurse or designated employee.

Eligible students may be allowed to self-monitor and self-medicate unless there is sufficient evidence that unsupervised self-monitoring or self-medication would seriously jeopardize the safety of the student or others. The decision to allow the recommendation of the student's healthcare practitioner will be determined by the school team comprised of the parent/legal guardian, school nurse, physician, and the school administrator. The registered nurse will write an individual healthcare plan which meets the needs of students for health monitoring and care during the school day or at school sponsored events.

Unlicensed school employees may be trained by the school nurse to provide emergency medication to students with an identified chronic health condition.

~~Schools may stock epinephrine auto-injectors to be administered to a student or other individual on school premises whom the school nurse or other designated school personnel believes in good faith is experiencing anaphylaxis in accordance with the district's standing protocol, as allowed by the Safe Access to Vital Epinephrine (SAVE) Act. Use of lifesaving medications is addressed in Policy JLCDB Use of Lifesaving Medications.~~

Schools will comply with state law regarding prescriptions for controlled substances in Schedules II through IV and administrative rule JLCD-R.

Adopted 2/8/00; Revised 4/23/02, 6/27/06, 8/12/14, 9/27/16, 6/14/22, 1/23/24

Legal References:

- A. S.C. Code of Laws, 1976, as amended:
1. Section 15-78-60 - Immunity from liability for districts and employees.
 2. Section 40-33-44 - On-site supervision of a licensed practical nurses (LPN).
 3. Section 40-33-42 - Delegation of nursing tasks to unlicensed assistive personnel.
 4. Section 59-63-80, *et seq.* - Requires board to develop policy for individual healthcare plans for certain students.

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4.5. Section 59-63-95 – Administration of lifesaving medications in schools

- B. S.C. Department of Labor, Licensing, and Regulation Advisory Opinions:
1. South Carolina Board of Nursing, *Advisory Opinion #50*, Revised March 2016 - Provision of treatment and administration of medications by unlicensed school personnel in the event of a medical emergency.
 2. South Carolina Board of Nursing, *Advisory Opinion #51*, Revised May 2013 - Unlicensed school personnel performing nursing tasks required for a student to attend school.
 3. South Carolina Board of Nursing, *Advisory Opinion #52*, Revised May 2013 - Unlicensed school personnel assisting students with medications taken on a routine schedule.
 4. South Carolina Boards of Medical Examiners, Nursing, and Pharmacy, *Joint Advisory Opinion Regarding Over the Counter Medications in Schools*, Issued September 2013 - Delineating requirements for administration of over the counter medications with and without a prescription.
- C. Other:
1. South Carolina Department of Education, Office of Nutrition Programs, *Frequently Asked Questions about Students Self-Medicating and Self-Monitoring* (September 2015).

USE OF LIFESAVING MEDICATIONS

Code **JLCDB** Issued **1/24**

The board recognizes that on occasion an emergency situation may arise when a school nurse or other designated school personnel believes in good faith that a student or an individual on school premises is experiencing a medical emergency. A school may maintain a stock supply of medication, authorized by the South Carolina Department of Health and Environmental Control (DHEC), that can be administered by designated school personnel in response to a medical emergency.

Pursuant to state law and in accordance with this policy, the board authorizes school nurses and other designated school personnel to utilize DHEC-authorized lifesaving medications in the following circumstances:

- provide a lifesaving medication to a student in accordance with a prescription specific to the student that is on file with the school
- administer a lifesaving medication to a student in accordance with a prescription specific to the student that is on file with the school
- administer a lifesaving medication to a student or other individual on school premises whom the school nurse or other designated school personnel believes in good faith is experiencing a medical emergency, in accordance with a standing protocol of a physician, including the Director of Public Health for DHEC; an advanced practice registered nurse or physician assistant licensed to prescribe medication pursuant to state law regardless of whether the student or other individual has a prescription for a lifesaving medication

The superintendent or his/her designee, in consultation with the South Carolina Department of Education and DHEC, will develop and implement a plan to authorize the district's schools to maintain a supply of lifesaving medications and to provide and administer lifesaving medications to students and other people. The plan will provide for the management of students with life-threatening allergies or medical emergencies enrolled in the schools of the district and must include, but need not be limited to, the following:

- education and training for school personnel on the management of students with life-threatening allergies or medical emergencies, including training related to the administration of lifesaving medications; techniques on how to recognize symptoms of severe allergic reactions or medical emergencies, including anaphylaxis; and the standards and procedures for the storage and administration of lifesaving medications
- procedures for responding to life-threatening allergic reactions and medical emergencies including emergency follow-up procedures
- a process for the development of individualized health care and allergy action plans for students with a known life-threatening allergy

The superintendent or his/her designee will make the plan available to the public on the district's website or by other means as determined by the superintendent.

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No one, including without limitation parents/guardians of students, should rely on a school of this district for the availability of a lifesaving medication. This policy does not guarantee the availability of a lifesaving medication; students and their parents/guardians should consult their own physician regarding this medication.

State law provides school boards, districts, schools, school nurses, and/or other designated school personnel immunity from liability for damages caused by injuries to a student or another person resulting from the administration or self-administration of a lifesaving medication and/or plan development and implementation as allowed and set forth under state law. This immunity does not apply to acts or omissions constituting gross negligence or willful, wanton, or reckless conduct.

The district will provide a student with a known life-threatening allergy an individual healthcare and allergy action plan pursuant to Policy JLCD Assisting Students with Medications and its accompanying administrative rule.

Adopted 1/23/24

Legal references:

- A. S.C. Code, 1976, as amended, May 16, 2023:
 - 1. Section 59-63-95 *et seq.*— Lifesaving medications.