

## **DISTRICT MEDICATION PROGRAM**

The Midway School District (District) has established a program for providing medication to students during the school day and when students are otherwise under the district's direct supervision (e.g., participating in a school activity, on a school-sponsored trip). **This program is voluntary on the part of the District** and is only available to students when the applicable requirements under this policy have been satisfied.

### **Qualifications for Eligible School Medication Providers**

In order to be eligible to provide medication under this policy, an individual must meet the following criteria and receive approval from the Superintendent.

1. Received education and training in medication administration, including the following topics:
  - a. Individual's authority and role in providing medication
  - b. Proper medication storage, inventory, and disposal
  - c. Proper techniques for providing medication, e.g.: understanding pharmacy labels, standard precautions for infection control (e.g., hand washing), six rights of medication administration, and measuring and dispensing protocols.
  - d. Appropriate documentation of all medication provided and confidentiality requirements
  - e. Basic medical terminology related to providing medication
  - f. Appropriate action if unusual circumstances occur (e.g., medication error, adverse reactions, student refusal) and how and when to seek medical consultation or assistance
2. Provide the Superintendent with verification that the above training and education is complete
3. Undergo a criminal history record check through the District and received satisfactory adjudication
4. Agreed to perform the duty of providing medication.
5. Received written consent of the student's parent or guardian
6. Agreed to comply with these administrative rules and any additional district rules on providing medication

The District shall pay the cost of all district-authorized education and training for school medication providers.

### **Requirements and Prohibitions for All School Personnel**

All school employees and volunteers shall comply with the district's Drug and Alcohol Free Workplace policy, which prohibits illegal activities associated with prescription and over-the-counter medication. In addition, eligible school medication providers and all other school employees and volunteers with knowledge of a student's health condition and/or medication regimen shall comply with district policies and law on confidentiality of student education records—records that include student health records. Additional rules governing the school medication program are contained in administrative rules.

All school employees and volunteers are required, as soon as possible, to report to building administration or his/her designee any observed or reported sign or symptom that a student may be having an adverse medication reaction or allergic reaction.

Any violation of these administrative rules or other district rules governing medication may result in disciplinary action, including, but not limited to, discharge (in accordance with applicable law) and/or removal of medication provider duties, if applicable.

#### **Types of Medication Provided**

The Midway School District may, at its discretion, provide both prescription and over-the-counter medication to students covered by this policy so long as the medications are legal under state law and:

1. Recognized as drugs in the official U.S. Pharmacopoeia and national formulary, or
2. Recognized as drugs in the official Homeopathic Pharmacopoeia of the U.S., or
3. Recognized as drugs in any supplementary publication to the above references, and
4. Are authorized to be provided to the student by his/her parent/guardian and, when applicable, healthcare provider in accordance with this policy.

The Midway School District may consult a qualified healthcare provider (e.g., pharmacist) to determine if the above, applicable criteria have been met. The Midway School District shall maintain the student's confidentiality when making such an inquiry unless the student's parent/guardian has waived confidentiality rights.

The Midway School District and all school employees and volunteers are prohibited from purchasing over-the-counter medications to provide to students.

#### **Routes of Medication Provided**

Eligible school medication providers may provide oral and non-oral, noninvasive medication (i.e., medication provided by non-parenteral routes) to students covered by this policy.

Except for students covered by an Individual Education Program (IEP) or 504 Plan, if a student's medication requires administration through the parenteral route, the Midway School District may deny a parent's/guardian's request to provide such medication or may require the parents/guardians to reimburse the Midway School District for the expense of hiring a healthcare provider who has authority under state law to administer such medication, if the Midway School District does not have a medically qualified and eligible school medication provider on staff who is willing to administer the medication. Eligible school medication providers shall not provide medication through parenteral routes unless they have the proper authority under state law, including certification or licensure, to perform such functions. The Midway School District shall retain verification of such authorization, certification, or licensure.

If a medically qualified and eligible school medication provider is requested to perform any invasive medication administration, the Midway School District first should contact

its insurer to determine if additional liability coverage is necessary if the Midway School District has not previously made this inquiry.

### **Students Eligible for Participation**

The following students are eligible for participation in the medication program established by this regulation:

- Students who qualify for this service under their IEP or 504 Plan. The Midway School District shall pay the cost of these services.<sup>1</sup>
- Students who are not covered by the Individuals with Disabilities Education Act (IDEA) or 504 but who require medication when under the direct supervision of the school and whose parents/guardians are unable to make arrangements to provide medication themselves. An exception to such a student's participation in the medication program may apply if the student requires medication through a parenteral route (see section on routes of medication provided).
- Students who require emergency epinephrine treatment in accordance with ND Administrative Code Ch. 33-37-01 and/or students who require emergency medication under NDCC 15.1-19-16. This regulation shall not supersede NDCC 15.1-19-16, which contains criteria for a school to authorize student self-administration of emergency medication.

The building Principal and Superintendent are authorized to approve other circumstances under which a student is eligible to participate in the school's medication program. This administrator should contact legal counsel and should request permission from the student's parent/guardian to consult with the student's healthcare provider (to better understand the implications and scope of the request) before acting on such requests.

### **First Dose of Medication**

Whenever possible, the first dose of medication should be given to a student at home.

### **Requirements for Parents/Guardians Prior to District Providing Medication**

A parent/guardian must sign a written form authorizing his/her student to receive medication from an eligible school medication provider prior to carrying out this service. A new authorization form is required any time the student has a change in his/her medication regimen, when a new medication is to be provided and at the beginning of each school year. This form must include the following:

1. **For over-the-counter medication:** Must include instructions from the parent/guardian on how, when, and how long to provide medication. Requests to provide a dosage other than as recommended by the manufacturer shall require **written** approval from an appropriate healthcare provider.
2. **For prescription drugs:** Requires written authorization and instructions from an appropriate healthcare provider on how, when, and how long to provide medication.

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<sup>1</sup> If a physician's services are required, the District may not be responsible for paying this cost.

3. **For more than one medication (prescriptions, over-the-counter medications, or both):** Must include **written** information from a healthcare provider certifying that the drugs are not known to adversely interact or information on how to avoid any known adverse drug interactions.
4. **For students with allergies:** If a student has any known allergies, the parent/guardian shall provide this list of allergies to the school with all medication requests and include certification from a healthcare provider that the student is not known to be allergic to medication that the school is requested to provide. This list must be accompanied with certification that the student has knowledge of all of his/her known allergies and has received education and training on signs and symptoms of allergic reactions and how to prevent them.
5. **For all requests for the school to provide medication:**
  - a. Contact numbers for the student's parents/guardians and healthcare provider(s)
  - b. Information on possible adverse reactions and side effects associated with each medication that the parent/guardian is requesting the school to provide and certification that students have been educated in possible side effects.
  - c. (optional) Waiver of confidentiality allowing administration or the eligible school medication provider to contact the student's healthcare provider(s) with questions or concerns and allowing the District to share information about the student's health condition and/or medication regimen with any school employee/volunteer with a legitimate need to know.

#### **Medication Check-In Requirements When District is Providing Medication**

When sending medication to school, parents/guardians must comply with the following requirements:

1. If the over-the-counter medication is supplied by the student's parent or guardian, it must be supplied in the original manufacturer's container, the container must list the ingredients, recommended dosage, expiration date, administration instructions, and storage instructions (if any) in a legible format. The container must be labeled with the student's name, date of birth, and, if unsealed, the number or amount of medication in the container.
2. Prescription medications must be supplied in the original pharmacy-labeled container and include the name and phone number of the pharmacy. The container must list, in a legible format, the name of the student, student's date of birth, name of the prescription medication, dose, expiration date, storage instructions (if any), administration directions, number or amount of medication included, and the container must list or be accompanied by active ingredients in a legible format. If any prescription medication is given to a student prior to sending the prescription to school, the parent/guardian should indicate how much medication remains in the container.

3. If dispensing equipment is required (e.g., measuring cups, droppers), it must be provided by the parent/guardian. The equipment must be clean, operable, and labeled with the student's name and date of birth. Any special medical equipment storage instructions must be provided to the school by the parent/guardian or student's healthcare provider.

All medication must be hand delivered by a parent/guardian to the designated district official. When a parent/guardian cannot deliver the medication, it may be sent with that student but a parent/guardian must contact the school office in advance. The designated district official shall ensure that the appropriate authorization form(s) is/are complete, that the medication has not expired, that the medication is appropriately labeled in accordance with above requirements, and that parents/guardians have complied with all other applicable provisions of this policy before accepting the medication from the parent/guardian.

### **Student Emergency Self-Administration Requirements<sup>2</sup>**

For the safety of all students, all medications must be registered and kept in the school office except for the following:

- Cough drops (the student may not share with other students)
- Inhalers needed for emergency purposes
- Epipens needed for emergency purposes
- Nebulizers needed for emergency purposes

In the case of inhalers, epipens and nebulizers, the parent/guardian must still fill out and submit the form "FOR SCHOOL TO ADMINISTER MEDICATION or SELF ADMINISTRATION" (form #2) so that the office staff has information that would be needed in case of an emergency.

### **Additional Prohibitions, Restrictions, and Requirements for Students**

All students are required to comply with the district's policy on drug and alcohol free schools, which contains prohibitions on illegal activities associated with prescription and over-the-counter medication. Students who violate the Drug and Alcohol Free Schools policy by engaging in a prohibited activity with medication originally authorized by this policy may be subject to disciplinary action. In addition, the Midway School District may refuse to provide medication to the violating student and/or may prohibit the violating student from self-administering medication as long as:

1. The student is not covered by an IEP or 504 Plan.
2. The medication is not covered by an emergency provision in law or needed on an emergency basis as determined by administration in consultation with the student's healthcare provider (i.e., an inhaler, epi-pen, or insulin).

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<sup>2</sup> NOTE: These requirements are not applicable to emergency medication governed by NDCC 15.1-19-16.

Parents/guardians of violating students not subject to an exception above will be required to make arrangements to provide medication to their children during the school day.

Students who are covered by this policy and are taking medication at school must agree to report any known sign or symptom of a side effect, adverse medication reaction, or allergic reaction to a school official when the student is in school or otherwise under the school's supervision. Students authorized to carry medication must agree not to leave the medication unattended or unsecured and accessible to other students.

#### **Medication Off-Campus When Student is Under District Supervision**

Parents/guardians must make arrangements with the building principal for students who will require medication off-campus while under the district's supervision prior to the activity or event (e.g., students who participate in extracurricular events or field trips). At a minimum, parents/guardians making such a request shall be required to comply with the applicable authorization requirements contained in this policy. The Midway School District shall develop, on a case-by-case basis, check-in and storage requirements for all medication provided or self-administered in this context. The Midway School District may consult the student's healthcare provider(s) when developing these rules. The Midway School District cannot guarantee that a trained school medication provider will be available outside of the school buildings.

#### **Requirements for Providing Medication**

All school medication providers are required to provide medication in good faith consistent with medication training and education received, including compliance with all training and education in medication safety, handling and dispensing, student identification, documentation, and sanitation protocols. All school medication providers are required to document all medication provided on the Record of Medication form. Failure to complete this documentation may result in the District revoking medication responsibilities.

#### **Medication Incidents or Errors**

Medication providers are required to complete a Medication Incident Report for any medication incident or error, including but not limited to:

- Forgot to document the medication by the end of school day on which the medication was provided
- Forgot to give a dose of medication
- Gave the medication at the wrong time
- Gave the medication by the wrong route
- Gave the wrong dose of the medication
- Gave the wrong medication
- Gave the medication to the wrong child
- Student refused a dose of medication

The form is to be completed as soon as possible after the incident occurred and appropriate response actions/interventions were taken. It must be filed with the building principal. Failure to complete this documentation may result in the Midway School District revoking medication responsibilities.

### **Medication Storage and Disposal**

Medication will be stored in the following manner:

- Inaccessible to students
- Separate from staff medication
- Protected from sources of contamination
- Away from heat, light, and sources of moisture (e.g., not in the kitchen or bathroom)
- At temperature specified on the label (refrigerated if required)
- In a sanitary and orderly manner
- Controlled substances susceptible to theft (e.g., Ritalin) will be stored in a locked container, which shall be stored in accordance with label storage instructions.

Administration may consult a pharmacist for a list of such substances.

Administration shall maintain a storage log of all controlled substances kept in locked containers. Administration may also maintain a storage log for all other medication.

Medications that are out-of-date or for which parental/medical authorization has expired must be picked up by the parent/legal guardian. A designated school medication provider is responsible for sending such notice to parents/guardians. The notice should contain a reasonable deadline for the parent/guardian to pick up the medication and notification that failure to pick up medication by the deadline or failure to make arrangements to pick up the medication on an alternate date after the deadline will result in the school destroying the medication. Under no circumstances will medication be released to students except medication that a student is authorized to carry. When medications are not picked up by the parent/guardian, they must be destroyed in accordance with government recommendations<sup>3</sup> and that process should be witnessed and documented by the building principal or designee (who shall not be a school medication provider).

Needles and syringes must be disposed of in a manner consistent with appropriate Occupational Safety & Health Administration (OSHA) guidelines.<sup>4</sup>

Failure of a school medication provider to comply with the above storage and disposal requirements may result in the District revoking medication responsibilities and/or disciplinary action.

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<sup>3</sup><http://www.fda.gov/drugs/resourcesforyou/consumers/buyingusingmedicinesafely/ensuringsafeuseofmedicine/safedisposalofmedicines/ucm186187.htm>

<sup>4</sup>[https://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=STANDARDS&p\\_id=10051](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=10051)

**Program Review**

The Midway School District may require medication providers to undergo additional training as needed and may hire a qualified consultant to audit the school medication program periodically.

**Liability Disclaimer**

It is not the intent of the Midway School District to expand or modify the district's potential liability exposure through the development of this medication program. The district's voluntary creation of this program shall not be construed to create or assume any potential liability under any local, state, or federal law or regulation. State law provides liability protection for establishing and providing medication under a school medication program. This protection extends to all eligible school medication providers, the school district, and the Midway Board of Education so long as each party is acting in good faith.

In a potential life-or-death or severe injury situation, Midway School District personnel will use their best judgment in providing medical assistance during the time that it takes for emergency medical personnel to arrive. Such actions will be considered to be legally protected good-faith efforts in an attempt to save a life and/or minimize physical harm.

The Midway School District is not responsible for determining the qualifications of healthcare providers whose signatures appear on prescriptions and other medical documentation submitted to the District by parents/guardians. The Midway School District assumes that by signing such documentation, the healthcare provider is attesting to the validity of his/her qualifications and credentials. The District will comply with healthcare providers' orders but assumes no liability for their content.