

**REPORT TO
LEGISLATIVE COUNCIL RULES CLEARINGHOUSE
TRAINING REQUIREMENTS FOR INDIVIDUALS ADMINISTERING NONPRESCRIPTION
AND PRESCRIPTION DRUG PRODUCTS TO PUPILS
CHAPTER PI 46, WISCONSIN ADMINISTRATIVE CODE**

Statute interpreted: s. 118.29 (6), Stats.

Statutory authority: Sections ss. 118.29 (6) and 227.11 (2) (a), Stats.

Explanation of agency authority:

Section 118.29 (6), Stats., requires the department to approve training in administering nonprescription drug products and prescription drugs. The administrative rule provides the specifics of the department's medication training requirements.

Section 227.11 (2) (a), Stats., gives an agency rule-making authority to interpret the provisions of any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of the statute.

Court decisions directly relevant : None

Related statute or rule: None.

Plain language analysis:

2009 Wisconsin Act 160 requires the department to approve training in administering nonprescription drug products and prescription drugs to pupils by school personnel or volunteers.

The proposed rules require individuals who administer medications to pupils under s. 118.29, Stats., to have medication *skill* training annually and medication *knowledge* training bi-annually. The rules require the *skill* training to be documented by a school nurse, medical provider or adequately trained parent but do not specify what entity must provide the training. In addition, the rules do not specify what entity must provide the *knowledge* training only that it must be approved by the department.

Emergency rules may be promulgated prior to March 1, 2001, the effective date of the Act's provisions

Summary of, and comparison with, existing or proposed federal regulations: None.

Comparison with rules in adjacent states:

Illinois, Iowa, Michigan, and Minnesota do not have rules relating to medication administration training requirements.

Summary of factual data and analytical methodologies:

To determine the training requirements related to medication administration, the Department first reviewed examples of such training from other states and school districts. The Department's drafts of training requirements were then reviewed by experts in the field including the Wisconsin Association of School Nurses, Wisconsin Department of

Health Services public health nursing program, pharmacists and medical doctors. Suggestions from these groups helped to shape the final proposed training requirements. Guidelines for medication training follow similar frequency in other areas of healthcare such as use cardiopulmonary resuscitation and automated defibrillation by unlicensed assistive personnel.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report: N/A

Anticipated costs incurred by private sector: N/A

Effect on small business:

The proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

Agency contact person (including email and telephone):

Doug White, Director, Student Services/Prevention and Wellness, at douglas.white@dpi.wi.gov

Place where comments are to be submitted and deadline for submission:

The department will publish a hearing notice in the *Administrative Register* which will include this information.

Agency procedure for promulgation:

Notice to Legislative Council pursuant to s. 227.15, Stats., and proceeding under the ten day notice/hearing process pursuant to ss. 227.16 to 227.18, Stats.

Description of any forms (attach copies if available): None.