



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2011 Assembly Bill 62

**Assembly Substitute
Amendment 1, as Amended by
Assembly Amendment 1 and
Assembly Amendment 2**

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DEFINITION OF SCHOOL NURSE

Current Law

Current law, as created by 2009 Wisconsin Act 160, defines a school nurse as a registered nurse licensed under s. 441.06, Stats., or in a party state, who also meets the qualifications for school nurses prescribed by the Department of Public Instruction (DPI) by rule.

Subsequent to the enactment of Act 160, DPI issued rules that require a school nurse to have a bachelor's degree from an approved nursing program that includes preparation in public health nursing or community health nursing. [s. PI 34.01 (52m), Wis. Adm. Code.] However, a school nurse license is not required for a nurse working in a school district. [s. PI 34.31 (2), Wis. Adm. Code.]

The Substitute Amendment

The substitute amendment defines a school nurse as a registered nurse licensed under ch. 441 or in a party state, who submits evidence satisfactory to DPI that he or she has successfully completed a course, determined to be satisfactory to DPI, in public health or community health.

Assembly Amendment 1

Assembly Amendment 1 to Assembly Substitute Amendment 1 is a technical amendment which restores the current law provisions which specify that a school district may hire school nurses who are not licensed by DPI.

NON-PRESCRIPTION DRUGS

Current Law

Under current law, authorized individuals may administer non-prescription drugs to a pupil as follows:

- In compliance with the written instructions of the pupil's parent or guardian if the pupil's parent or guardian consents in writing; if
 - The non-prescription drug product is supplied by the pupil's parent or guardian in the original manufacturer's package; and
 - The package lists the ingredients and recommended therapeutic dose in a legible format.
- May be administered to a pupil in a dosage other than the recommended therapeutic dose only if the request to do so is accompanied by the written approval of the pupil's practitioner.

The Substitute Amendment

The substitute amendment permits authorized individuals to administer any drug which may lawfully be sold over the counter without a prescription to a pupil in compliance with the written instructions of the pupil's parent or guardian if the pupil's parent or guardian consents in writing. Under the substitute amendment, a non-prescription drug product *may* be supplied by the pupil's parent or guardian, but the non-prescription drug product must be in the original manufacturer's package and the package must list the ingredients and recommended therapeutic dose in a legible format.

In addition, the substitute amendment retains the current law authorization to administer non-therapeutic doses of non-prescription drug products to a pupil if the request to do so is accompanied by the written approval of the pupil's practitioner.

PRESCRIPTION DRUGS

Current law

Under current law, authorized individuals may administer prescription drugs to a pupil as follows:

- In compliance with the written instructions of a practitioner if the pupil's parent or guardian consents in writing;
- The prescription drug is supplied by the pupil's parent or guardian in the original pharmacy-labeled package; and
- The package specifies the name of the pupil, the name of the prescriber, the name of the prescription drug, the dose, the effective date, and the directions in a legible format.

The Substitute Amendment

The substitute amendment retains the provisions of current law except for the requirement that the prescription drug be supplied by the pupil's parent or guardian.

TRAINING

Current Law

Under current law, no school bus driver, employee, or volunteer may administer a non-prescription drug product or prescription drug, use an epinephrine auto-injector or administer glucagon as provided above, unless he or she has received training, approved by DPI, in administering non-prescription drug products and prescription drugs. This requirement does not apply to health care professionals.

The Substitute Amendment

The substitute amendment requires a school bus driver, employee, or volunteer to receive training approved by DPI before administering non-prescription drug products or prescription drugs that must be inhaled, injected, or rectally administered.

Assembly Amendment 2

Assembly Amendment 2 to Assembly Substitute Amendment 1 provides that DPI is not required to approve the training required under the substitute amendment when the training is completed by a school bus driver that transports only pupils enrolled in a private school, an employee or a private school, or a volunteer in or for a private school.

LEGISLATIVE HISTORY

Assembly Amendment 1 to Assembly Substitute Amendment 1 was offered by Representative Kestell on June 1, 2011. Assembly Amendment 2 to Assembly Substitute Amendment 1 was offered by Representative Kestell on June 6, 2011. On June 9, 2011, the Assembly Committee on Education recommended adoption of Assembly Amendment 1 to Assembly Substitute Amendment 1 on a vote of Ayes, 11; Noes, 0, and recommended adoption of Assembly Amendment 2 to Assembly Substitute Amendment 1 on a vote of Ayes, 7; Noes, 4. The committee recommended adoption of Assembly Substitute Amendment 1, as amended on a vote of Ayes, 7; Noes, 4, and recommended passage of the bill, as amended, by the same vote.

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