

2009 DRAFTING REQUEST

Bill

Received: **03/03/2009**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Public Instruction 6-7073**

By/Representing: **Jennifer Kammerud**

This file may be shown to any legislator: **NO**

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Education - miscellaneous**

Extra Copies: **TKK**

Submit via email: **YES**

Requester's email: **jennifer.kammerud@dpi.wi.gov**

Carbon copy (CC:) to: **michael.bormett@dpi.wi.gov**

Pre Topic:

No specific pre topic given

Topic:

Administration of drugs to pupils

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 03/30/2009	kfollett 04/01/2009		_____			S&L
/P1	pgrant 04/13/2009	kfollett 04/16/2009	rschluet 04/01/2009	_____	cduerst 04/01/2009 cduerst 04/01/2009		S&L
/1	pgrant 09/25/2009	kfollett 09/28/2009	rschluet 04/16/2009	_____	lparisi 04/16/2009		S&L

2009 DRAFTING REQUEST

Bill

Received: 03/03/2009

Received By: pgrant

Wanted: As time permits

Identical to LRB:

For: Public Instruction 6-7073

By/Representing: Jennifer Kammerud

This file may be shown to any legislator: NO

Drafter: pgrant

May Contact:

Addl. Drafters:

Subject: Education - miscellaneous

Extra Copies: TKK

Submit via email: YES

Requester's email: jennifer.kammerud@dpi.wi.gov

Carbon copy (CC:) to: michael.borrett@dpi.wi.gov

Pre Topic:

No specific pre topic given

Topic:

Administration of drugs to pupils

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 03/30/2009	kfollett 04/01/2009		_____			S&L
/P1	pgrant 04/13/2009	kfollett 04/16/2009	rschluet 04/01/2009	_____	cduerst 04/01/2009 cduerst 04/01/2009		S&L
/1	pgrant 09/25/2009	kfollett 09/28/2009	rschluet 04/16/2009	_____	lparisi 04/16/2009		S&L

2009 DRAFTING REQUEST

Bill

Received: 03/03/2009

Received By: pgrant

Wanted: As time permits

Identical to LRB:

For: Public Instruction 6-7073

By/Representing: Jennifer Kammerud

This file may be shown to any legislator: NO

Drafter: pgrant

May Contact:

Addl. Drafters:

Subject: Education - miscellaneous

Extra Copies: TKK

Submit via email: YES

Requester's email: jennifer.kammerud@dpi.wi.gov

Carbon copy (CC:) to: michael.bornett@dpi.wi.gov

Pre Topic:

No specific pre topic given

Topic:

Administration of drugs to pupils

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 03/30/2009	kfollett 04/01/2009		_____			S&L
/P1	pgrant 04/13/2009	kfollett 04/16/2009	rschluet 04/01/2009	_____	cduerst 04/01/2009		S&L
		12kf 9/28		_____	cduerst 04/01/2009		
/1			rschluet 04/16/2009	_____	lparisi 04/16/2009		

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

Received: 03/03/2009

Received By: pgrant

Wanted: As time permits

Identical to LRB:

For: Public Instruction 6-7073

By/Representing: Jennifer Kammerud

This file may be shown to any legislator: NO

Drafter: pgrant

May Contact:

Addl. Drafters:

Subject: Education - miscellaneous

Extra Copies: TKK

Submit via email: YES

Requester's email: jennifer.kammerud@dpi.wi.gov

Carbon copy (CC:) to: michael.bornett@dpi.wi.gov

Pre Topic:

No specific pre topic given

Topic:

Administration of drugs to pupils

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 03/30/2009	kfollett 04/01/2009					S&L
/P1		1/kjf 4/1/09	rschlue 04/01/2009		cduerst 04/01/2009 cduerst 04/01/2009		

FE Sent For:

*re-submitted
for cc - see
attached email*

<END>

2009 DRAFTING REQUEST

Bill

Received: 03/03/2009

Received By: pgrant

Wanted: As time permits

Identical to LRB:

For: Public Instruction 6-7073

By/Representing: Jennifer Kammerud

This file may be shown to any legislator: NO

Drafter: pgrant

May Contact:

Addl. Drafters:

Subject: Education - miscellaneous

Extra Copies: TKK

Submit via email: YES

Requester's email: jennifer.kammerud@dpi.wi.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Administration of drugs to pupils

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 03/30/2009	kfollett 04/01/2009		_____			S&L
/P1			rschluet 04/01/2009	_____	cduerst 04/01/2009		

FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

Received: 03/03/2009

Received By: pgrant

Wanted: As time permits

Identical to LRB:

For: Public Instruction 6-7073

By/Representing: Jennifer Kammerud

This file may be shown to any legislator: NO

Drafter: pgrant

May Contact:

Addl. Drafters:

Subject: Education - miscellaneous

Extra Copies: TKK

Submit via email: YES

Requester's email: jennifer.kammerud@dpi.wi.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Administration of drugs to pupils

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

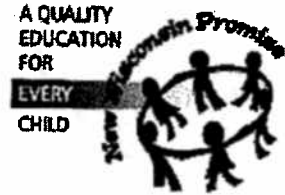
/?	pgrant	1/PI/6/7 4/1/09					
----	--------	--------------------	---	--	--	--	--

FE Sent For:

<END>

DEPARTMENT OF PUBLIC INSTRUCTION
2005 LEGISLATIVE SESSION

STATUTORY LANGUAGE CHANGE PROPOSAL



Subject: SCHOOL NURSING/HEALTH SERVICES

Agency Contact: Jennifer Kammerud (266-7073)

Description of Intent/Comparison to Current Law:

Under s. 118.29 (2), Stats., an authorized individual may administer medication to pupils if certain conditions are met. The statute was written at a time when most medications given were over-the-counter or for acute illnesses. Medication administration now has become more complicated. Currently, pupils are taking complex psychotropic medications, controlled medications, injected medications, and nebulized medications. And, schools are being requested to administer herbal and other complementary medications for which there is limited information to direct safe administration. More pupils are taking medications where the dose is dependent on a changing clinical situation, such as administering emergency medications for prolonged seizures or low blood sugar, or when a noon-time dose of an insulin injection is dependant on the amount of carbohydrate ingested. Further, there is an increased prevalence and severity of asthma and environmental allergies, including those with life-threatening potential which require a rapid response of an emergency drug. Children are discharged earlier from the hospital and return quickly to school. All of these issues increase the acuity of conditions, nursing procedures and necessary accommodation plans.

Staff without health care or nursing knowledge can no longer intuitively determine how to assist students. Staff report being nervous about providing more complex services but sometimes do so because they want to help a child or don't feel they can refuse. And, some staff may take unsafe "short-cuts" for the sake of efficiency, especially if the health procedures are a secondary expectation of their primary job. Both of these situations lead to high potential for errors in administering care, medications, and procedures. Further, a growing number of medications can be purchased without a prescription and parents may request staff to administer some medications that should not be mixed with others, or under certain circumstances. For example, a student should not be given aspirin if he or she is on a medication that can prolong bleeding or he or she has a viral illness. Without training or healthcare knowledge, staff can not determine when a parental request should be questioned. Finally, some districts rely on parent instructions and training to conduct health procedures. Parents can and must perform these procedures in their home, but teaching and directing others to do so is considered the practice of nursing and would not be appropriate.

To address these concerns and to increase pupil safety, the department is proposing to modify s. 118.29, Stats., by:

- Repealing the definition of "drug."
- Replacing the term "drug" throughout the section with "nonprescription drug product," except as specified in the next item. A "nonprescription drug product" is a defined term under s. 450.01 (13m), Stats., and is preferred to more narrowly define what type of drug may be administered under the section.

- Replacing the phrase “drug which may lawfully be sold over the counter without a prescription” with “nonprescription drug product that is a drug under s. 450.01 (10) (a).” Also, replace the term “drug” under the definition of “Administer” with “nonprescription drug product that is a drug under s. 450.01 (10) (a).” These clarifications are necessary to ensure that only nonprescription drugs that have recognized sources of scientific information are required to be administered to pupils and would not include over the counter drugs that may be legal but have limited safety information available about the drug.
- Specifying that a nonprescription drug product that is administered to a pupil be supplied by the parent or guardian in the original sealed manufacturer’s package with a list of ingredients and recommended therapeutic dose legible on the package. Also, any request to administer a dose outside the recommended therapeutic dose must have written approval by the child’s health care practitioner. This provides more direction to staff without a healthcare license and minimizes the need for these staff to determine the safe administration of a drug product.
- Specifying that a prescription drug that is administered to a pupil be supplied by the parent or guardian in the original pharmacy labeled package with the name of the pupil, name of the prescriber, name of the medication, dose, effective date, and directions legible. This would ensure that a prescription is current as well as provides safety information.
- Requiring all entities authorized to administer nonprescription drug products and prescription drugs to seek the assistance of one or more “registered professional nurses,” rather than “appropriate health care professionals,” in developing and periodically reviewing written policies. “Appropriate health care professionals” are defined under s. 118.29 (c) and includes emergency medical technicians, first responders, licensed practical nurses, podiatrists, etc. These healthcare providers do not have the appropriate credentials, knowledge, and skills needed to advise on drug administration policy development.
- Requiring “the documentation of administration of each dose, including any errors” to the record keeping requirement under s. 118.29 (4) to improve quality assurance.
- Deleting the requirement that training procedures be included as part of the written policy. Instead, require that any person authorized to administer nonprescription drug products or prescription drugs to pupils receive training approved by the department. This requirement will ensure that all persons administering drugs will receive proper, standardized training and will feel comfortable when required to administer drugs.
- Allowing glucagon to be administered to any “known diabetic” pupil having a severe “low blood sugar with altered consciousness” event, rather than “any” pupil, having a “hypoglycemic” event. These clarifications will minimize confusion and increase safety to students by specifying a known student with diabetes and an identifiable behavioral statement instead of a medical term.
- Adding the phrase “by dialing the telephone number “911” or, in an area in which the telephone number “911” is not available, the telephone number for . . .” at the end of s. 118.29 (2) (a) (2r). This addition will make the language under subdivision (2r) consistent with existing language under subdivision (2m).

Specifically, modify s. 118.29 as follows:

Section 118.29 (1) (a) is amended to read:

s. 118.29 (1) (a) "Administer" means the direct application of a nonprescription drug product that is a drug under s. 450.01 (10) (a) or prescription drug, whether by injection, ingestion or other means, to the human body.

Section 118.29 (1) (b) is repealed.

Section 118.29 (1) (g) is created to read:

s. 118.29 (1) (g) "Nonprescription drug product" has the meaning specified in s. 450.01 (13m).

Section 118.29 (2) (a) 1., 2., 2r., 3. and (b) are amended to read:

1. May administer any nonprescription drug which may lawfully be sold over the counter without a prescription product that is a drug under s. 450.01 (10) (a) 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. The nonprescription drug product shall be supplied by the parent or guardian in the original sealed manufacturer's package with a list of ingredients and recommended therapeutic dose legible on the package. Any request to administer a dose outside the recommended therapeutic dose shall have written approval by the child's health care practitioner. Z *

2. May administer a prescription drug to a pupil in compliance with the written instructions of a practitioner if the pupil's parent or guardian consents in writing. The prescription drug shall be supplied by the parent or guardian in the original pharmacy labeled package with the name of the pupil, name of the prescriber, name of the medication, dose, effective date, and directions legible.

2r. Except for glucagon administered under subd. 2., may administer glucagon to any known diabetic pupil who appears to be experiencing a severe hypoglycemic low blood sugar with altered consciousness event if, as soon as practicable, the school bus operator, employee, or volunteer reports the event to by dialing the telephone number "911" or, in an area in which the telephone number "911" is not available, the telephone number for an emergency medical service provider. to whom?

3. Is immune from civil liability for his or her acts or omissions in administering a nonprescription drug product or prescription drug to a pupil under subd. 1., 2., 2m., or 2r. unless the act or omission constitutes a high degree of negligence. This subdivision does not apply to health care professionals.

(b) Any school district administrator, county children with disabilities education board administrator, cooperative educational service agency administrator, public or private school principal or private school administrator who authorizes an employee or volunteer to administer a nonprescription drug product or prescription drug to a pupil under par. (a) is immune from civil liability for the act of authorization unless it constitutes a high degree of negligence.

Section 118.29 (4) is amended to read:

(4) Written policies. Any school board, county children with disabilities education board, cooperative educational service agency or governing body of a private school whose employees or volunteers may be authorized to administer ~~drugs~~ nonprescription drug products or prescription drugs to pupils under this section shall adopt a written policy governing the administration of ~~drugs~~ nonprescription drug products and prescription drugs to pupils. In developing the policy, the school board, board, agency or governing body shall seek the assistance of one or more ~~appropriate health care professionals~~ registered professional nurses who are employees of the school board, board, agency or governing body or are providing services or consultation under s. 121.02 (1) (g). The policy shall include procedures for obtaining and filing in the school or other appropriate facility the written instructions and consent required under sub. (2) (a), for the periodic review of ~~such all~~ written instructions by a registered professional nurse, for the storing of drugs nonprescription drug products and prescription drugs, for record keeping ~~and for the appropriate instruction of persons who may be~~

~~authorized to administer drugs or prescription drugs to pupils under this section including the documentation of administration of each dose including any errors.~~

Section 118.29 (5) is renumbered s. 118.29 (6) and as renumbered is amended to read:

(6) Exemption. No employee except a health care professional may be required to administer a nonprescription drug product or prescription drug to a pupil under this section by any means other than ingestion.

Section 118.29 (5) is created to read:

(5) Training. Any person authorized to administer nonprescription drug products or prescription drugs to pupils under this section shall receive training approved by the department to properly administer medication.

Action In Previous Legislation:

No similar proposals have been introduced in previous legislative sessions.

Related Stat. Citations:

s. 118.29, Wis. Stats.

Requested Effective Date:

Upon passage.

Grant, Peter

From: Kammerud, Jennifer DPI [Jennifer.Kammerud@dpi.wi.gov]
Sent: Monday, March 02, 2009 11:19 AM
To: Grant, Peter
Subject: Correction: Drafting Request - School Nursing/Health Services

Attachments: 20090302111015021.pdf



2009030211101502

1.pdf (300 KB)...

Peter,

I forgot to add that in addition to the requested changes in the attached file we would also like to change the definition of school nurse in the same draft.

The Department proposes to change the definition of "school nurse" under s. 115.001 (11), Wis. Stats., to mean "a registered nurse licensed under ch. 441 or in a party state, as defined in s. 441.50 (2) (j), who has also received a baccalaureate degree in nursing." This will remove the Department's certification requirement and replace it with a nursing degree, which will better reflect current practice without reducing the qualifications of the state's school nurses.

Jennifer

-----Original Message-----

From: Kammerud, Jennifer DPI
Sent: Monday, March 02, 2009 11:12 AM
To: Grant, Peter
Subject: Drafting Request - School Nursing/Health Services

Peter,

Please take a look at the attached file. We would like to have a draft prepared addressing some school nursing and health services issues.

Jennifer

Jennifer Kammerud
Legislative Liaison
Department of Public Instruction
125 South Webster Street
Madison, WI 53707
Ph: 608/266-7073
E-mail: jennifer.kammerud@dpi.wi.gov

Grant, Peter

From: Grant, Peter
Sent: Monday, March 02, 2009 3:56 PM
To: 'Kammerud, Jennifer DPI'
Subject: RE: Correction: Drafting Request - School Nursing/Health Services

Not sure I understand the intent of the change to the definition of school nurse. Is the department no longer going to certify school nurses under 115.28 (7m)? Also, in the modified definition, should it include those who have temporary permits under s. 441.08? See s. 146.40 (1) (f).

Peter

-----Original Message-----

From: Kammerud, Jennifer DPI [mailto:Jennifer.Kammerud@dpi.wi.gov]
Sent: Monday, March 02, 2009 11:19 AM
To: Grant, Peter
Subject: Correction: Drafting Request - School Nursing/Health Services

Peter,

I forgot to add that in addition to the requested changes in the attached file we would also like to change the definition of school nurse in the same draft.

The Department proposes to change the definition of "school nurse" under s. 115.001 (11), Wis. Stats., to mean "a registered nurse licensed under ch. 441 or in a party state, as defined in s. 441.50 (2) (j), who has also received a baccalaureate degree in nursing." This will remove the Department's certification requirement and replace it with a nursing degree, which will better reflect current practice without reducing the qualifications of the state's school nurses.

Jennifer

-----Original Message-----

From: Kammerud, Jennifer DPI
Sent: Monday, March 02, 2009 11:12 AM
To: Grant, Peter
Subject: Drafting Request - School Nursing/Health Services

Peter,

Please take a look at the attached file. We would like to have a draft prepared addressing some school nursing and health services issues.

Jennifer

Jennifer Kammerud
Legislative Liaison
Department of Public Instruction
125 South Webster Street
Madison, WI 53707
Ph: 608/266-7073
E-mail: jennifer.kammerud@dpi.wi.gov

Grant, Peter

From: Grant, Peter
Sent: Tuesday, March 03, 2009 3:45 PM
To: 'Kammerud, Jennifer DPI'
Subject: RE: Correction: Drafting Request - School Nursing/Health Services

Jennifer, a few more questions occurred to me today when I read the proposal more carefully:

- In the treatment of 118.29 (1) (a), there's no need to say "that is a drug under s. 450.01 (10) (a)" because a nonprescription drug product under 450.01 (13m) is by definition a drug. OK?
- In the treatment of 118.29 (2) (a) 1., in the last sentence, by "outside the recommended dose" you mean "other than the recommended dose," right? Who is allowed to request such a dose? And do you mean "health care *practitioner*" (which is undefined) or "health care *professional*" (which is defined)?
- In the treatment of 118.29 (2) (a) 2r., does the reference to "known diabetic pupil" mean "known to be diabetic to the person administering the drug"?
- In the same provision, why the change from "hypoglycemic event" to "low blood sugar...event"? Actually, how would the person know that the pupil is experiencing low blood sugar? All he or she knows is that the pupil is diabetic and has lost consciousness. And do you mean "altered consciousness" or "lost consciousness"?
- In 118.29 (4), you suggest substituting "registered professional nurses" for "appropriate health care professionals." Would you prefer "school nurses" instead? Or is it that in this instance, it doesn't matter whether the RN has a BA in nursing? Also in (4), do you want to *require* someone to document the administration of each dose? Or is it sufficient to say, as the section says, that "the policy shall include *procedures for*...record keeping including the documentation of administration of each dose...."?
- Finally, in the new subsection on training, who is responsible for providing the training? Would you rather turn this sentence around so that it reads, "No school board, CESA, or CCDEB may authorize a person to administer...under this section unless the school board, CESA, or CCDEB has provided the person with appropriate training approved by DPI."

That's it for now. Thanks, Jennifer.

Peter

-----Original Message-----

From: Kammerud, Jennifer DPI [<mailto:Jennifer.Kammerud@dpi.wi.gov>]
Sent: Monday, March 02, 2009 11:19 AM
To: Grant, Peter
Subject: Correction: Drafting Request - School Nursing/Health Services

Peter,

I forgot to add that in addition to the requested changes in the attached file we would also like to change the definition of school nurse in the same draft.

The Department proposes to change the definition of "school nurse" under s. 115.001 (11), Wis. Stats., to mean "a registered nurse licensed under ch. 441 or in a party state, as defined in s. 441.50 (2) (j), who has also received a baccalaureate degree in nursing." This will remove the Department's certification requirement and replace it with a nursing degree, which will better reflect current practice without reducing the qualifications of the state's school nurses.

Jennifer

-----Original Message-----

From: Kammerud, Jennifer DPI
Sent: Monday, March 02, 2009 11:12 AM
To: Grant, Peter
Subject: Drafting Request - School Nursing/Health Services

Peter,

Please take a look at the attached file. We would like to have a draft prepared addressing some school nursing and health

services issues.

Jennifer

Jennifer Kammerud
Legislative Liaison
Department of Public Instruction
125 South Webster Street
Madison, WI 53707
Ph: 608/266-7073
E-mail: jennifer.kammerud@dpi.wi.gov

Grant, Peter

From: Slauson, Lori L. DPI [Lori.Slauson@dpi.wi.gov]
Sent: Friday, March 27, 2009 9:28 AM
To: Grant, Peter
Cc: White, Douglas DPI; Gallagher, Rachel A. DPI; Bornett, Michael R. DPI
Subject: School nurse and health statutes drafting request

Attachments: Peter Grant school nurse and health statutes.docx

Peter,

In Jennifer Kammerud's absence, I have been asked to respond to your questions regarding the department's school nurse and health statutes drafting request. Please see the attached document with your questions and our responses.

If you have any further questions, let me know. Thanks!



Peter Grant school
nurse and h...

Peter,

In response to your questions on the School Nursing/Health Services drafting request, please see the following (in red):

✓ Not sure I understand the intent of the change to the definition of school nurse. Is the department no longer going to certify school nurses under 115.28 (7m)? The department will continue to certify school nurses. However, this certification is optional.

✓ Also, in the modified definition, should it include those who have temporary permits under s. 441.08? See s. 146.40 (1) (f). No. We don't think a school board would want the liability of hiring a graduate nurse who has not yet passed the NCLEX or nursing boards. This is something that might be done in a hospital where extensive nursing supervision resources are available, but not a school board.

• In the treatment of 118.29 (1) (a), there's no need to say "that is a drug under s. 450.01 (10) (a)" because a nonprescription drug product under 450.01 (13m) is by definition a drug.
✓ O.K? O.K. We would suggest modifying the first sentence of s. 118.29 (2) (a) 1. to read: "May administer any nonprescription drug ~~which may lawfully be sold over the counter without a prescription~~ product to a pupil in compliance . . ."

• In the treatment of 118.29 (2) (a) 1., in the last sentence, by "outside the recommended dose" you mean "other than the recommended dose," right? Yes. Who is allowed to request such a dose? The health care practitioner. And do you mean "health care *practioner*" (which is undefined) or "health care *professional*" (which is defined)? Not health care professional because this would include EMTs which cannot recommend a dosage. Maybe we could add the following definition: "Practitioner" has the meaning defined under s. 450.01 (17), Stats.?"
DN

• In the treatment of 118.29 (2) (a) 2r., does the reference to "known diabetic pupil" mean "known to be diabetic to the person administering the drug"? Yes.

• In the same provision, why the change from "hypoglycemic event" to "low blood sugar . . . event"? It actually better describes the event. Right now in the law, any child with a blood sugar below 80 who is conscious could be treated with glucagon. Glucagon is intended for a child who has a low blood sugar and is unable to drink or eat food to bring the blood sugar up.

✓ Actually, how would the person know that the pupil is experiencing low blood sugar? All he or she knows is that the pupil is diabetic and has lost consciousness. There are classic symptoms of a low blood sugar for children with diabetes. The school personnel would know the student has diabetes because the school nurse or parent would inform the staff. All he or she knows is that the pupil is diabetic and has altered/lost consciousness.

✓ And do you mean "altered consciousness" or "lost consciousness"? Altered is more appropriate because some children with altered states of consciousness might not be able to

swallow a drink or food upon command. Altered state of consciousness occurs before loss of consciousness. You would want to intervene in the altered state if the child was unable to swallow before the child reaches loss of consciousness.

- In 118.29 (4), you suggest substituting "registered professional nurses" for "appropriate health care professionals." Would you prefer "school nurses" instead? Yes - As long as the definition of "school nurse" changes, too. *bwt grandfather*

? Or is it that in this instance, it doesn't matter ~~whether the RN has a BA in nursing~~? Not all school nurses have BSNs and a two or three year RN is capable of providing training.

Also in (4), do you want to *require* someone to document the administration of each dose?
No.

Or is it sufficient to say, as the section says, that "the policy shall include *procedures for . . .* record keeping including the documentation of administration of each dose . . ."? We think this statement is sufficient.

- Finally, in the new subsection on training, who is responsible for providing the training? Would you rather turn this sentence around so that it reads, "No school board, CESA, or CCDEB may authorize a person to administer . . . under this section unless the school board, CESA, or CCDEB has provided the person with appropriate training approved by DPI." Flipping the sentence is fine. We do not care who provides the training, as long as DPI has approved it.

There is one more thing we neglected to include in the original drafting request. We would like to insert a grandfathering provision for those registered nurses that do not have a bachelors degree in nursing but are employed or contracted by a school district during the school year in which this provision becomes effective.

Thanks for your assistance!

- in 115.88, delete licensed sch. nurse

- 115.28(m) : leave as is

warrant = sch. d. not req'd to hire only (licensed) sch. nurses
(except spec. ed)

111 : sch. d. not req'd to hire only "sch. nurses"
except - spec. ed
- grants

- grandfather in current nurses

Date (time) needed other

LRB - 2278 / P1
PG : kjf :

BILL

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the statutes; **relating to:** *... school nurses ... and ... the ... administration of drugs ... to pupils ...*

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

- If titles are needed in the analysis, in the component bar:
 - For the main heading, execute: **create** → **anal:** → **title:** → **head**
 - For the subheading, execute: **create** → **anal:** → **title:** → **sub**
 - For the sub-subheading, execute: **create** → **anal:** → **title:** → **sub-sub**
- For the analysis text, in the component bar:
 - For the text paragraph, execute: **create** → **anal:** → **text**

This is a preliminary draft. An analysis will be provided in a later version of the draft.
FE-SL

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION #.

x

Section #. 115.001 (11) of the statutes is renumbered 115.001(11)(intro.) and amended to read:

s. 441.06 ✓

115.001 (11) SCHOOL NURSE (intro.) "School nurse" means a registered nurse licensed under ~~ch. 44~~ or in a party state, as defined in s. 441.50 (2) (j), who ~~is also certified by the department as being qualified to perform professional nursing services in a public school.~~ satisfies one or both of the following:

History: 1983 a. 189 ss. 172, 173, 175 to 177; 1983 a. 512; 1985 a. 225; 1985 a. 332 s. 151; 1987 a. 264; 1989 a. 114; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 3846, 9145 (1); 1997 a. 27, 164; 1999 a. 22, 83; 2007 a. 222.

SEC. CR. 115.001 (11) (a) and (b)

(b) 115.001 (11) (a) Has a baccalaureate in nursing.

(b) Was employed as a nurse by a school district, board of control of a cooperative educational service agency, county children with disabilities education board, or operator of a charter school established under s. 118.40 (2r) on the effective date of this paragraph [LRB insert date].

Section #. 115.88 (1) of the statutes is amended to read:

115.88 (1) PERSONNEL. A school board, board of control of a cooperative educational service agency or, upon authorization of the county board, a county children with disabilities education board may employ, for a special education program, either full- or part-time licensed teachers, licensed coordinators of special education, ~~licensed~~ school nurses, licensed school social workers, licensed school psychologists, licensed school counselors, paraprofessionals, licensed consulting teachers to work with any teacher of regular education programs who has a child with a disability in a class and any other personnel approved by the department. The board may contract with private or public agencies for physical or occupational therapy services on the basis of demonstrated need. A school board may contract with a charter school to provide special education services to pupils attending the charter school if the charter school is under contract with the school board under s. 118.40 (2m) and the charter school is not an instrumentality of the school district.

History: 1997 a. 164; 1999 a. 9, 117; 2001 a. 16; 2003 a. 321; 2005 a. 25; 2007 a. 221.

Section #. 115.88 (1m) (am) of the statutes is amended to read:

115.88 (1m) (am) Subject to par. (b), if the operator of a charter school established under s. 118.40 (2r) operates a special education program and the state superintendent is satisfied that the operator of the charter school is complying with 20 USC 1400 to 1491o, the state superintendent shall certify to the department of administration in favor of the operator of the charter school a sum equal to the amount that the operator of the charter school expended during the previous school year for salaries of full-time or part-time licensed teachers, licensed coordinators of special education, ~~licensed~~ school nurses, licensed school social workers, licensed school psychologists, licensed school counselors, paraprofessionals, licensed consulting teachers to work with any teacher of regular education programs who has a child with a disability in a class and any other personnel, as determined by the state superintendent, as costs eligible for reimbursement from the appropriation under s. 20.255 (2) (b). The state superintendent may audit costs under this paragraph and adjust reimbursement to cover only actual, eligible costs.

History: 1997 a. 164; 1999 a. 9, 117; 2001 a. 16; 2003 a. 321; 2005 a. 25; 2007 a. 221.

Section #. 115.88 (1m) (b) of the statutes is amended to read:

X 115.88 (1m) (b) The department shall promulgate rules establishing the percentage of the salaries of ~~licensed~~ school nurses, licensed school social workers, licensed school psychologists, and licensed school counselors that may be certified under pars. (a) and (am) as costs eligible for reimbursement. For each category of personnel, the department shall base the percentage on the average percentage of work time that the category spends providing services to children with disabilities, including conducting evaluations under s. 115.782.

Cross Reference: See also ch. PI 30, Wis. adm. code.

History: 1997 a. 164; 1999 a. 9, 117; 2001 a. 16; 2003 a. 321; 2005 a. 25; 2007 a. 221.

Section #. 118.29 (1) (a) of the statutes is amended to read:

nonprescription

product

118.29 (1) (a) "Administer" means the direct application of a drug (or prescription drug, whether by injection, ingestion or other means, to the human body.

History: 1983 a. 334; 1985 a. 146 s. 8; 1985 a. 218; 1987 a. 14, 399; 1989 a. 56, 102, 105; 1991 a. 103; 1997 a. 164; 1999 a. 56, 126; 2001 a. 16, 83; 2007 a. 130.

SEC. RP, 118.29 (1)(b)

SEC. CR, 118.29 (1) (dm)

118.29 (b) (dm) "Nonprescription drug product" has the meaning given in s. 450.01(13m).

Section #. 118.29 (2) (a) 1. of the statutes is renumbered 118.29(2)(a)1.a. and amended to read:

Except as provided in ~~the~~ subd. 1. b, may
nonprescription
product

118.29 (2) (a) 1. a. ~~May~~ 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.

INS A

History: 1983 a. 334; 1985 a. 146 s. 8; 1985 a. 218; 1987 a. 14, 399; 1989 a. 56, 102, 105; 1991 a. 103; 1997 a. 164; 1999 a. 56, 126; 2001 a. 16, 83; 2007 a. 130.

SEC. CR. 118.29 (2)(a) 1. b.

118.29 (2)(a) 1. b. May ~~not~~ administer

a nonprescription drug product to a
pupil in a dosage other than

recommended therapeutic dose only if the

request to do so is accompanied by the
written approval of the pupil's practitioner.

(a) 2, 2r and 3. and (b)
one

Section #. 118.29 (2) of the statutes is amended to read:

(intru.)

~~118.29 (2) AUTHORITY TO ADMINISTER DRUGS, CIVIL LIABILITY EXEMPTION. (a) Notwithstanding chs. 441, 447, 448 and 450, a school bus operator validly authorized under ss. 343.12 and 343.17 (3) (c) to operate the school bus he or she is operating, any school employee or volunteer, county children with disabilities education board employee or volunteer or cooperative educational service agency employee or volunteer authorized in writing by the administrator of the school district, the board or the agency, respectively, or by a school principal, and any private school employee or volunteer authorized in writing by a private school administrator or private school principal:~~

118 29(2)(a)

~~1. May administer any ^{product} drug ^{nonprescription} 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.~~ (INS. A)

(B)

118.29(2)(a) 2. May administer a prescription drug to a pupil in compliance with the written instructions of a practitioner if the pupil's parent or guardian consents in writing. (INS. B)

~~2m. Except for epinephrine administered under subd. 2., may use an epinephrine auto-injector to administer epinephrine to any pupil who appears to be experiencing a severe allergic reaction if, as soon as practicable, the school bus operator, employee or volunteer reports the allergic reaction by dialing the telephone number "911" or, in an area in which the telephone number "911" is not available, the telephone number for an emergency medical service provider.~~ (INS. C)

2r. Except for glucagon administered under subd. 2., may administer glucagon to any pupil who appears to be experiencing a severe ^{low blood sugar} hypoglycemic event ^{with altered mental state} if, as soon as practicable, the school bus operator, employee, or volunteer reports the event to an emergency medical service provider. (INS. D)

3. Is immune from civil liability for his or her acts or omissions in administering a ^{nonprescription} drug or ^{product} prescription drug to a pupil under subd. 1., 2., 2m., or 2r. unless the act or omission constitutes a high degree of negligence. This subdivision does not apply to health care professionals.

(b) Any school district administrator, county children with disabilities education board administrator, cooperative educational service agency administrator, public or private school principal or private school administrator who authorizes an employee or volunteer to administer a ^{nonprescription} drug or ^{product} prescription drug to a pupil under par. (a) is immune from civil liability for the act of authorization unless it constitutes a high degree of negligence.

History: 1983 a. 334; 1985 a. 146 s. 8; 1985 a. 218; 1987 a. 14, 399; 1989 a. 56, 102, 105; 1991 a. 103; 1997 a. 164; 1999 a. 56, 126; 2001 a. 16, 83; 2007 a. 130.

Section #. 118.29 (4) of the statutes is amended to read:

118.29 (4) WRITTEN POLICIES. Any school board, county children with disabilities education board, cooperative educational service agency or governing body of a private school whose employees or volunteers may be authorized to administer ~~drugs~~ ^{nonprescription drug products} or prescription drugs to pupils under this section shall adopt a written policy governing the administration of ~~drugs~~ ^{nonprescription drug products} and prescription drugs to pupils. In developing the policy, the school board, board, agency or governing body shall seek the assistance of one or more ~~appropriate health care professionals~~ ^{school nurses} who are employees of the school board, board, agency or governing body or are providing services or consultation under s. 121.02

(1) (g). The policy shall include procedures for obtaining and filing in the school or other appropriate facility the written instructions and consent required under sub. (2) (a), for the periodic review of such written instructions for the storing of ~~drugs~~ ^{nonprescription drug products} and prescription drugs, ~~for record keeping and for the appropriate instruction of persons who may be authorized to administer drugs or prescription drugs to pupils under this section.~~ ^{and} ~~and~~ ^{including documenting the administration of each dose, including errors}

History: 1983 a. 334; 1985 a. 146 s. 8; 1985 a. 218; 1987 a. 14, 399; 1989 a. 56, 102, 105; 1991 a. 103; 1997 a. 164; 1999 a. 56, 126; 2001 a. 16, 83; 2007 a. 130.

by a school nurse

Section #. 118.29 (5) of the statutes is amended to read:

118.29 (5) EXEMPTION. No employee except a health care professional may be required to administer a drug or prescription drug to a pupil under this section by any means other than ingestion.

History: 1983 a. 334; 1985 a. 146 s. 8; 1985 a. 218; 1987 a. 14, 399; 1989 a. 56, 102, 105; 1991 a. 103; 1997 a. 164; 1999 a. 56, 126; 2001 a. 16, 83; 2007 a. 130.

product

nonprescription

SEC. 118.29 (6)

118.29 (6) TRAINING. Notwithstanding sub. (2), no school bus driver, employee, or volunteer may administer a nonprescription drug product or prescription drug ^{transmitt} under sub. (2) (a) 1. or 2., use an epinephrine auto-injector under sub. (2) (a) 2m., or administer glucagon under sub. (2) (a) 2v., unless he or she has received training, approved by the department, in administering medication.

EFFECTIVE DATE

1. In the component bar: For the action phrase, execute: ... **create** → **action:** → *NS: → **effdate**
For the text, execute: **create** → **text:** → *NS: → **effdateA**
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed.

SECTION # ____ . **Effective date.**

(#1) () This act takes effect on *July 1, 2010* *(End)*

1. In the component bar: For the action phrase, execute: .. **create** → **action:** → *NS: → **effdateE**
For the text, execute: **create** → **text:** → *NS: → **effdate**
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed.

SECTION # ____ . **Effective dates;**

..... This act takes effect on the day after publication, except as follows:

(#1) () The treatment of sections of the statutes takes effect on

1. In the component bar: For the budget action phrase, execute:.. **create** → **action:** → *NS: → **94XX**
For the text, execute: **create** → **text:** → *NS: → **effdate**
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the **9400** department code.

SECTION 94 ____ ____ . **Effective dates;**

(#1) () The treatment of sections of the statutes takes effect on

D Note

(B)

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.

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

(C)

the school bus driver, employee, or volunteer
knows is diabetic and who

(D)

by dialing the telephone number "911" or,
in an area in which the telephone number
"911" is not available, the telephone
number for

(A)

, the nonprescription drug product is
supplied by the pupil's parent or guardian
in the original sealed manufacturer's
package, and ^{the package} lists the ingredients and
recommended therapeutic dose in a legible
format