



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2011 Wisconsin Act 86
[2011 Senate Bill 45]

**Administration of Medication to
Pupils**

2011 Wisconsin Act 86 relates to the administration of medication to pupils.

DEFINITION OF SCHOOL NURSE

Prior to the enactment of Act 86, the Department of Public Instruction (DPI) issued rules that required 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 was not required for a nurse working in a school district. [s. PI 34.31 (2), Wis. Adm. Code.]

Act 86 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.

The Act specifies that a school district may hire school nurses who are not licensed as such by DPI.

NONPRESCRIPTION DRUGS

Under Act 86, authorized individuals 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.

A nonprescription drug product *may* be supplied by the pupil's parent or guardian, and if the parent does so, the nonprescription 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.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

PRESCRIPTION DRUGS

Under Act 86, 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 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.

TRAINING

Prior to Act 86, no school bus driver, employee, or volunteer could administer a nonprescription drug product or prescription drug, use an epinephrine auto-injector or administer glucagon as provided above, unless he or she had received training, approved by DPI, in administering these products.

Under Act 86, the training requirement for administration of nonprescription drug products or prescription drugs by a school bus driver, employee, or volunteer applies only to the following nonprescription drug products or prescription drug products:

1. A nonprescription drug product or prescription drug product that must be injected into a pupil.
2. A nonprescription drug product or prescription drug product that must be inhaled by a pupil.
3. A nonprescription drug product or prescription drug product that must be rectally administered to a pupil.
4. A nonprescription drug product or prescription drug product that must be administered into a nasogastric tube.
5. A nonprescription drug product or prescription drug product that must be administered into a gastrostomy tube.
6. A nonprescription drug product or prescription drug product that must be administered into a jejunostomy tube.

In addition, Act 86 provides that DPI is not required to approve the training when the training is completed by a school bus driver who transports only pupils enrolled in a private school, an employee of a private school, or a volunteer in or for a private school.

Effective date: Act 86 takes effect on December 9, 2011.

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