



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2011 Senate Bill 45

**Senate Substitute Amendment
1, as Amended by Senate
Amendments 1 and 2**

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2011 Senate Bill 45 (“the bill”) relates to the administration of medication to pupils. Senate Substitute Amendment 1 to the bill, as amended, treats four areas of the original bill, as described below: definition of school nurse, administration of nonprescription drugs, administration of prescription drugs, and training.

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 Bill

The bill defines a school nurse as a registered nurse licensed under ch. 441 or in a party state, who is also certified by DPI as being qualified to perform professional nursing services in a public school.

Neither current statutes, nor the language proposed by the bill, require a school nurse to be bachelor’s degree prepared. This requirement is established by a DPI administrative rule, as described above.

Senate Substitute Amendment 1

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.

Senate Amendment 1

Senate Amendment 1 to Senate 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.

NONPRESCRIPTION DRUGS

Current Law

Under current law, authorized individuals may administer nonprescription 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 nonprescription 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 Bill

Under the bill, 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. In addition, the bill repeals the restriction on the administration of nontherapeutic doses of nonprescription drug products.

Senate Substitute Amendment 1

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 nonprescription drug product *may* be supplied by the pupil's parent or guardian, but 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.

In addition, the substitute amendment retains the current law authorization to administer nontherapeutic doses of nonprescription 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 Bill

Under the bill, authorized individuals may administer prescription drugs to a pupil in compliance with the written instructions of a practitioner if the pupil's parent or guardian consents in writing.

Senate Substitute Amendment 1

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 nonprescription 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 nonprofessionals.

The Bill

The bill does not contain these training requirements.

Senate Substitute Amendment 1

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

Senate Amendment 2

Senate Amendment 2 to Senate 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 who transports only pupils enrolled in a private school, an employee of a private school, or a volunteer in or for a private school.

LEGISLATIVE HISTORY

On June 21, 2011, the Senate Health Committee recommended adoption of Senate Amendment 1 on a vote of Ayes, 5; Noes, 0; Senate Amendment 2 on a vote of Ayes, 3; Noes, 2; Senate Substitute Amendment 1, as amended, on a vote of Ayes, 5; Noes, 0; and passage of the bill, as amended, on a vote of Ayes, 3; Noes, 2.

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