

# REFERENCE COPY

FILE: JHCD  
Critical

## EXPLANATION: ADMINISTRATION OF MEDICATIONS TO STUDENTS

MSBA has revised this policy for clarity and to further align it with district practices. MSBA has also revised this policy to address the administration of medications derived from cannabidiol (CBD) oil as well as the administration of naloxone, an emergency medication used for opioid overdoses. MSBA has also added a statement that the district will not administer any medication, as that term is defined in this policy, that is not regulated by the U.S. Food and Drug Administration (FDA). For example, essential oils are not regulated by the FDA. None of the changes to this policy are required by law.

### Marijuana and CBD

Missouri has now legalized marijuana for certain medical uses. MSBA does not recommend that district employees possess or administer medical marijuana since it is still illegal under federal law. This policy specifically prohibits the possession of marijuana or marijuana-infused products on district property. A similar provision has been included in policy KK, which is also included in this update.

The legal status of CBD oil is complicated. In Missouri, individuals who have a hemp extract registration card may legally carry and administer CBD oil. Registration cards are provided to individuals who are 18 or older and to parents/guardians for the purpose of administration to children under 18.

Under federal law, CBD is defined as a cannabis product with less than .03% THC. It is also referred to as hemp. CBD has been removed as a Schedule I controlled substance and placed on Schedule V. As a result, the Drug Enforcement Agency (DEA) has determined that CBD is no longer within its jurisdiction and will not prosecute the possession or use of CBD. The FDA has approved one CBD drug, Epidiolex, as a prescription drug for the treatment of seizures. The nonprescription CBD products that are available have not been approved by the FDA for any use.

*As with any medication, the district may choose not to allow the administration of CBD at school unless such administration is required for a student with a disability.*

### Naloxone

MSBA has added naloxone to the emergency medications the district may choose to keep on hand. Naloxone (also known by the brand name Narcan) is an opioid antagonist that counteracts the effects of an opioid overdose. Naloxone is available without a prescription at most pharmacies and is very effective in preventing death from an overdose of heroin, codeine

and other drugs in the opiate family. Healthcare professionals, including school nurses, recommend that districts have this drug available. Naloxone will have no effect on people who do not have opioids in their system. Naloxone may be administered using a nasal spray or injection. School districts usually stock the nasal spray.

Districts that choose to stock naloxone should work with a licensed prescriber to develop administration protocols . This update includes a model naloxone administration protocol developed by the Columbia Public School District, which has agreed to allow us to share it. (See separate document.) Your protocol should be created in coordination with a healthcare professional who has prescribing authority, but this model will help you get started. Districts that will not stock naloxone should modify this policy accordingly.

*MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.*

	Board Secretary		Business Office		Coaches/Sponsors
	Facility Maintenance		Food Service		Gifted
	Human Resources	X	Principals		Library/Media Center
X	Health Services		Counselor	X	Special Education
	Transportation		Public Info/Communications		Technology

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## ADMINISTRATION OF MEDICATIONS TO STUDENTS

### Definitions

*Authorized Prescriber* – Includes a healthcare provider licensed or otherwise authorized by state law to prescribe medication.

*Diabetes Medical Management Plan* – A document developed by the student's personal healthcare team that sets out the health services needed by the student at school and that is signed by the student's personal healthcare team and parent/guardian.

*Medications* – For the purposes of this policy, medications include prescription drugs and over-the-counter drugs, including herbal preparations and vitamins. Medications also include substances that claim or purport to be medicinal or performance enhancing, including essential oils.

### General

The St. Joseph School District is not legally obligated to administer medication to students unless specifically included in a Section 504 plan or an individualized education program (IEP) prohibits students from possessing or self-administering medications while on district grounds, on district transportation or during district activities unless explicitly authorized in accordance with this policy. However, the Board recognizes that some students may require medication for chronic or short-term illnesses to enable them to remain in school and participate in the district's education services. The Board directs the superintendent or designee to employ, contract with and train the necessary personnel to administer medications to students. Medications will be administered at school only when it is not possible or effective for the student to receive the medication at home.

Parents/Guardians are encouraged to submit any relevant information regarding the medications their student needs, including a diabetes medical management plan or other information the district may use to develop an individualized education program (IEP), Section 504 Plan or individualized health plan (IHP). The district will review all information submitted by the parents/guardians and work with them to create a plan to meet the student's medical needs while at school or school activities.

~~The district prohibits students from possessing or self-administering medications while on district grounds, on district transportation or during district activities unless explicitly authorized in accordance with this policy. The superintendent, in collaboration with the district nursing staff, will establish administrative procedures for storing and administering medications in compliance with this policy and pursuant to state and federal law. Medications will only be administered at school when it is not possible or effective for the student to receive the medication at home.~~

### **Nurses and Other Personnel**

The administration of medications is a nursing activity that must be performed by or under the supervision of a registered professional nurse (RN). ~~A registered professional nurse may delegate the administration of medication to a licensed practical nurse or unlicensed personnel who are trained by the nurse to administer medications. The registered professional nurse is responsible for developing written procedures for training unlicensed personnel in the administration of medications and for supervising the administration of medication by others.~~ Other district personnel may be required to administer medications to a student as long as they have been appropriately trained and are supervised by an RN. An appropriately licensed member of the nursing staff will be responsible for:

1. Developing procedures for the training of unlicensed personnel in the administration of medications;
2. Devising protocols for the administration of medications by unlicensed personnel; and
3. Training unlicensed personnel in the administration of medications.

District employees who administer medications must maintain documentation of all medications provided to students and stored on district property.

Nurses and other staff administering medications will take precautions when administering medications and, when necessary, will clarify authorized prescriber orders prior to administering medications.

In accordance with law, any trained or qualified employee will be held harmless and immune from civil liability for administering medication in good faith and according to standard medical practices. A qualified employee is one who has been trained to administer medication according to standard medical practices.

~~The nurse or designee must maintain thorough documentation of all medications administered to students.~~

~~Nurses must use reasonable and prudent judgment to determine whether to administer particular medications to students while also working in collaboration with parents/guardians and the school administration. In carrying out their legal duty to protect the health, welfare and safety of students, nurses will, when necessary, clarify authorized prescriber orders and respond in accordance with such clarifications.~~

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~~The district shall not knowingly administer medications in an amount exceeding the recommended daily dosage listed in the *Physician's Desk Reference (PDR)* or other recognized medical or pharmaceutical text. Except for the medications that are only used in an emergency situation, the district will not knowingly administer the first dose of any medication. Parents/Guardians are encouraged to arrange to administer prescription medications themselves when possible.~~

~~Staff, students and all other individuals are prohibited from possessing or administering any medication, while on district grounds, on district transportation or during district activities, that is illegal pursuant to state or federal law.~~

## Over-the-Counter Medications

The district may administer over-the-counter medication to a student ~~upon receipt of a written request and~~ **if the district has received** permission to do so ~~by~~ **from** the parent/guardian. ~~All~~ **O**ver-the-counter medications must be delivered to the school principal or designee in the manufacturer's original packaging and will only be administered in accordance with the manufacturer's label.

## Prescription Medications

~~Unless otherwise authorized in this policy, the parent/guardian must provide the district with written permission to administer the medication before the district will administer the prescription medication to the student.~~ **The district may administer prescription medication to a student if the district has received permission to do so from the parent/guardian and appropriate direction on how the medication is to be administered.** The prescription label will be considered the equivalent of a prescriber's written direction, and a separate document is not needed.

## Medications District Personnel Will Not Administer

**Unless required by law to administer a medication to accommodate a disability, nurses who question the necessity of administering a particular medication during the school day may, after consultation with the superintendent or designee, require a written directive by the student's healthcare provider that states why the medication must be administered at school. The district may also refuse to administer any medication for other reasons listed in this policy. The district will not administer any medication that is not regulated by the U.S. Food and Drug Administration.**

**The district may refuse to administer medications in an amount exceeding the recommended daily dosage listed in the *Physician's Desk Reference (PDR)* or other recognized medical or pharmaceutical text unless the district has verified the dosage with the prescriber. Except for the medications that are used only in an emergency situation, the district will not knowingly administer the first dose of any medication. The district expects parents/guardians to administer medications at home or by coming to the school to administer the medications themselves when possible.**

Staff, students and all other individuals are prohibited from possessing or administering any medication that is illegal pursuant to state or federal law on district grounds, on district transportation or during district activities. The superintendent or designee is authorized to obtain a legal opinion from the district's attorney when there is a question regarding the legality of administering any medication.

### **Medical Marijuana and Cannabidiol (CBD) Oil**

The district does not permit the possession or administration of marijuana or marijuana-infused products for medicinal purposes on district property or at district events since these products are prohibited under federal law.

In accordance with state law, parents/guardians with a valid hemp extract registration card may possess CBD oil on district property for the purpose of administering it to their students who are less than 18 years old for the treatment of epilepsy. Students 18 and older with a valid hemp extract registration card may possess CBD oil on district property for the limited purpose of bringing it to the health office where it will be stored with other medications and administered to the student by the nursing staff for the treatment of epilepsy. Students who have an actual prescription for a medication containing CBD will be permitted to possess and administer the prescription medication in accordance with this policy.

When applicable, district staff will administer prescription medication containing CBD in the same manner used to administer other prescription medication.

### **Student Possession and Self-Administration of Medications**

The district prohibits students from possessing or self-administering medications unless the student is allowed by law to do so and has been given permission in accordance with this section. ~~The district will permit a student to possess and self-administer medications as required by law, except for substances that are illegal under state or federal law, and as allowed in this section. Permission to possess and self-administer medications may be revisited if there is evidence that the student is not handling or administering the medication appropriately or that the student's actions may be harming his or her own health or the health and safety of other persons. Such permission is required for students to possess and self-administer medications while at school, at a district-sponsored activity and on district-sponsored transportation. Such permission shall be effective only for the same school and school year for which it is granted.~~

A student with an IEP or Section 504 plan may possess and self-administer medications in accordance with the IEP or Section 504 plan. Students who do not have an IEP or Section 504 plan may possess and self-administer medications in accordance with 1) or 2) below:

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1. Students with Diabetes: Upon written request of the parent/guardian and upon authorization by a student's diabetes medical management plan, the district will permit a student with diabetes to perform blood glucose checks, administer insulin through the student's insulin delivery systems, treat hypoglycemia and hyperglycemia, and otherwise attend to the care and management of the student's diabetes. The district will permit the student to possess on his or her person at all times all necessary supplies and equipment to perform these monitoring and treatment functions. The student shall have access to a private area for performing diabetes care tasks should the parent/guardian or student request such access. Students with diabetes who wish to possess and self-administer medications are subject to the same requirements (below) as students with other health conditions.
2. Students with Other Chronic Health Conditions: Students may possess and self-administer medications for the treatment of asthma, anaphylaxis and other chronic health conditions in accordance with this policy and law. The district will not permit students to possess and self-administer medications unless all of the following requirements are met:
  - ▶ The medication was prescribed or ordered by the student's physician.
  - ▶ The physician has provided a written treatment plan for the condition for which the medication was prescribed or authorized that includes a certification that the student is capable of and has been instructed in the correct and responsible use of the medication and has demonstrated to the physician or the physician's designee the skill level necessary to use the medication.
  - ▶ The student has demonstrated proper self-administration technique to the school nurse.
  - ▶ The student's parent/guardian has signed a statement authorizing self-administration and acknowledging that the district and its employees or agents will incur no liability as a result of any injury arising from the self-administration of such medication unless such injury is a result of negligence on the part of the district or its employees or agents.

Permission to possess and self-administer medications may be revisited if there is evidence that the student is not handling or administering the medication appropriately or that the student's actions may be harming his or her own health or the health and safety of others.

## Emergency Medications

All student-occupied buildings in this district are equipped with prefilled epinephrine auto syringes, and asthma-related rescue medications and naloxone. The school nurse or another employee trained

and supervised by the school nurse may administer these medications when they believe, based on training, that a student is having a **serious or** life-threatening ~~anaphylactic reaction or life-threatening asthma reaction or~~ episode. A prescription or written permission from a parent/guardian is not necessary to administer ~~this~~ **these** medications **s** in an emergency situation.

Epinephrine, **naloxone** and asthma-related rescue medications will ~~only~~ be administered **only** in accordance with written protocols provided by an authorized prescriber. **Naloxone (brand name Narcan) will be administered by nurses and other trained employees to students suspected of having an opioid-related drug overdose.** The Board will purchase an adequate ~~number~~ **supply** of prefilled epinephrine auto syringes, ~~and~~ asthma-related rescue medications **and naloxone** based on the recommendation of the school nurse, who will be responsible for maintaining adequate supplies **based on previous use levels** and replacing expired syringes and medications.

The school principal or designee will maintain a list of students who cannot, according to their parents/guardians, receive epinephrine, **naloxone** or asthma-related rescue medications. A current copy of the list will be kept with the ~~devices~~ **medications** at all times.

### Consequences

Students who possess or consume medications in violation of this policy while on district grounds, on district transportation or during a district activity may be disciplined up to and including suspension or expulsion. Employees who violate this policy may be disciplined up to and including termination. District administrators will notify law enforcement when they believe a crime has occurred.

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***Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.***

Adopted: 01/28/2019

Revised:

Cross Refs: AH, Use of Tobacco Products and Imitation Tobacco Products  
EBB, Communicable Diseases  
EBBA, Illness and Injury Response and Prevention  
**KK, Visitors to District Property/Events**



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Legal Refs: Mo. Const., art. XVI § 1

§§ 167.621 - .635, .800 - .824, 192.945, .947, 335.016, .066, 338.059, 577.625, .628,  
RSMo.

*Davis v. Francis Howell Sch. Dist.*, 138 F.3d 754 (8th Cir. 1998)

*DeBord v. Board of Educ. of Ferguson-Florissant Sch. Dist.*, 126 F.3d 1102 (8th Cir.  
1997)

St. Joseph School District, St. Joseph, Missouri