

MEDICATION AT SCHOOL – Some things you want to know

If your child needs to receive medication at school, you should know that federal law, state law, and school policies may affect your child. Here are some things you need to know.

SIX IMPORTANT GUIDELINES:

1. Your child needs a current prescription if he is to be given a prescription medication at school. The school will also have forms for you and your child's health care provider to sign.

2. Schools do NOT have to buy any medication for your child. You must provide the school with any necessary medications in properly labeled containers.

3. Unless you KNOW that your child can 'self-carry' her medication, do not allow her to take it with her to school. If she is carrying a medication without permission, she could get in trouble with the school (or could possibly be arrested). This can apply even to over-the-counter medications in some schools. Check your school's policy.

4. Schools cannot require that your child take medication as a condition of going to school, or of receiving special education services or evaluations. However, if your child needs medication for a potentially life-threatening condition (e.g., diabetes or asthma) and you fail to provide that medication for your child, the school may be required as a matter of law to report this as possible child neglect.

5. Schools do not typically have to remind your child to take his medication. Elementary schools will usually work with parents to remind children to take their medication. Junior and senior high schools will usually expect children to remember to take their medication. However, schools may be obligated to remind children who require medication for a disability to take their medication. (See below.)

6. Children should NEVER share their medication with others at school. A child who is able to 'self-carry' his medication must understand that he cannot share his medication with other children at school. If he shares his medicine, he would very likely be in trouble with the school and could possibly be arrested.

FOR MOST MEDICATIONS and MOST CHILDREN: Utah law (Utah Code Section 53A-11-601) permits schools to administer medications to children while they are at school if certain conditions are in place: 1. The medication has been prescribed for the child by a licensed health care provider; 2. The health care provider has confirmed that it is medically necessary for the child to receive the medication during school hours; and 3. The parents provide the medication to the school in an appropriately labeled container.

This law also permits schools to discontinue giving medication to children IF the schools notify the children's parents in advance that they are going to do so. This applies to MOST children but does not apply if the child needs the medication because of a disability. (See below.)

This law also protects schools from legal liability. If they give the medication to the child as directed by the health care provider (using reasonable care), they cannot be held liable if the child has a bad reaction to the medication. They also cannot be held liable if they discontinue giving the medication to the child AFTER they give the parents notification that they are going to discontinue giving the medication.

There are some SPECIAL rules for children who have been diagnosed with **anaphylactic allergies, diabetes, and asthma.**

Anaphylactic allergies – Utah law (Utah Code Section 26-41-104) allows schools to train persons other than school nurses to administer an emergency epinephrine auto-injector (Epi-Pen™) to children with anaphylactic allergies.

This law also permits children with anaphylactic allergies to possess and self-administer their own epinephrine auto-injector if certain conditions are met. First, the parents must authorize the child to self-carry his epinephrine auto-injector and acknowledge that he is capable of appropriately using it. Second, the child's health care provider must provide the school with a written statement that says it is medically appropriate for this child to self-administer his epinephrine auto-injector and that he needs to be in possession of the epinephrine auto-injector at all times.

Note: All children with anaphylactic allergies probably need a health care plan for school regardless of whether they can self-carry their own epinephrine auto-injector. The school needs to understand the child's condition and be prepared to respond in the event of an emergency. If your child is **not** able to independently carry and use his epinephrine auto-injector **safely**, you must ask for a health care plan to ensure that an adult at the school will assist your child in the event of an emergency.

Diabetes – There are two Utah laws that apply to children with diabetes. First, Utah Code Section 53A-11-603 allows schools to train persons other than school nurses to administer glucagon to children with diabetes. Parents (or guardians) of children with diabetes must provide the school with a form that authorizes the school to give glucagon to their child. The Utah Department of Health has a form for parents to give to schools to authorize the administration of glucagon to their children: <http://health.utah.gov/diabetes/pdf/glucagonbill/glucagonquthorizationform.pdf>.

Second, Utah Code Section 53A-11-604 allows children who have diabetes to self-carry their own diabetes medications and supplies if certain conditions are met. First, the parents must authorize the child to self-carry her diabetes medication and supplies and acknowledge that she is capable of appropriately using these. Second, the child's health care provider must provide the school with a written statement that says it is medically appropriate for this child to self-administer her diabetes medication and provides the name of the diabetes medication.

Note: All children with diabetes probably need a health care plan for school regardless of whether they can care for their diabetes independently. The school needs to understand the child's condition and be prepared to respond in the event of an emergency. If your child is **not** able to monitor her diabetes and self-administer her own medications **safely**, you must ask for a health care plan to ensure that an adult at the school will assist your child.

The Utah Department of Health has a diabetes care form and insulin pump care form available for all children who have diabetes:

<http://health.utah.gov/diabetes/index.php> (under Forms)

Asthma – Utah law (Utah Code Section 53A-11-602) allows children who have asthma to self-carry and administer their rescue inhalers if certain conditions are met. First, the parents must authorize the child to self-carry his medication and acknowledge that the child is capable of self-administering it. Second, the child's health care provider must provide the school with a written statement that says it is medically appropriate for this child to self-administer his asthma medication and provides the name of the asthma medication. The Utah Department of Health has a form for your child's health care provider to complete and give to your child's school: http://www.health.utah.gov/asthma/pdf_files/SelfAdministration_English.pdf.

Note: All children with asthma probably need a health care plan for school regardless of whether they can monitor their asthma and self-administer their own rescue inhalers. The school needs to understand the child's condition and be prepared to respond in the event of an emergency. If your child is not able to monitor his asthma and self-administer his own inhaler **safely**, you must ask for a health care plan to ensure that an adult at the school will assist your child.

FOR CHILDREN WHO NEED MEDICATION BECAUSE THEY HAVE A DISABILITY

Children who need medication because they have a disability are protected differently under the law. Utah law allows schools to stop giving medication to a student after notifying the parents; however, federal law does not permit schools to stop giving medication to a student with a disability who requires medication for that disability. This applies to children who either qualify for special education or who have 504 plans to address their disability.

If a child requires medication for a disability and Utah law requires that a nurse administer this medication, the school is obligated to provide the child with access to a nurse while he is at school so the child can receive his medication.

If a child requires medication for a disability, the school is obligated to remind the child to take her medication.

YOUR CHILD'S PRIVACY IS PROTECTED AT SCHOOL

The Health Insurance Portability and Accountability Act (HIPAA) is the law that usually protects the privacy of your child's medical records. However, if the school has any medical records from your child, the records are no longer protected by HIPAA but are INSTEAD protected by the Family Education Rights and Privacy Act (FERPA). FERPA strictly limits the number of people who can see **any** of your child's educational records, including medical records. Most school personnel do not need to know about your child's medications. HOWEVER, people who work with your child may need to know about your child's medications especially if your child has any problems associated with the medication or needs a reminder to take the medication.

For more information go to: <http://www.medicalhomeportal.org/>

