

Laws that Affect School Nurses

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Learning Objectives

- ▶ The learner will be able to better identify:
 - Wisconsin laws that affect school health and the school nurse
 - New legislation that occurred this past year

Definitions



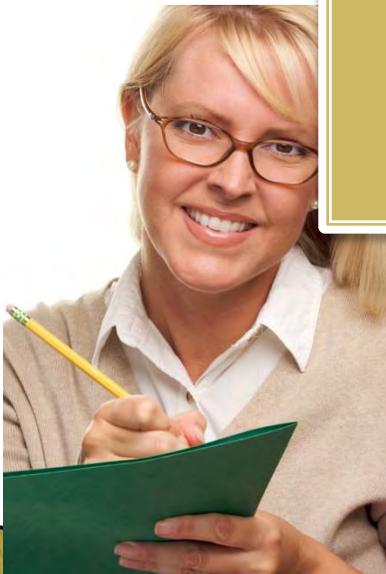
- Registered nurse (RN)
- At least a 2-year Associates Degree in Nursing (ADN-RN) plus a course in Community or Public Health Nursing
- Majority have a 4-year BSN
- Or have been grandfathered-in (2011)

School Nurse

Definitions



Individuals who are trained to assist the registered nurse in providing health care tasks in the school setting as delegated by the school nurse



Unlicensed Assistive Personnel (UAP)

Definitions



DELEGATION

The School Nurse and Delegation

- ▶ Wisconsin Stat. ch. 441
- ▶ Wisconsin ch.N6 Standards of Nursing Practice



Responsibilities of the RN

- ▶ Only a registered nurse (RN) can decide to delegate
 - A district administrator can authorize, but not delegate
- ▶ The RN retains responsibility for the delegated act

Responsibilities of the RN

- ▶ Delegates tasks appropriate for educational preparation and demonstrated abilities of the person supervised
- ▶ Provides direction and assistance to those supervised
- ▶ Observes and monitors the activities of those supervised
- ▶ Evaluates the effectiveness of acts performed under his/her supervision





Responsibilities of UAP

- ▶ Willing to assume responsibility for assigned tasks
- ▶ Works within job description
- ▶ Follows directions and guidance that is provided
- ▶ Asks questions if directions are not understood
- ▶ Does not accept a delegation that he/she knows is beyond his/her knowledge and skills



Responsibilities of UAP

- ▶ Communicates concerns promptly
 - Speaks up, and asks for training and assistance in performing the delegation, or requests not to be delegated a particular task/function/activity
- ▶ Reports observations and activities to the delegating school nurse



Responsibilities of UAP

- ▶ Documents the provision of care as directed
 - ▶ Maintains confidentiality of information associated with student's health
 - ▶ A task delegated to an assistive person cannot be re-delegated by the assistive person
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Emergency Nursing Services

- ▶ Chapter 121.02 (1) (g) *“Standard G”*
Each school district board shall provide emergency nursing services under a written policy adopted and implemented by the school district board which meets all of the following requirements

Emergency Nursing Services

- ▶ Shall include protocols for dealing with pupil accidental injury, illness and *administration of medication* at all school sponsored activities including but not limited to curricular, co-curricular and extra-curricular activities and a method to record each incident of service provided

Emergency Nursing Services

▶ Also includes:

- “Professional Nurse” shall help to develop policy
- Each district must have a medical advisor who is a physician
- Emergency nursing services must be available during the school day and at all school sponsored events
- Provision of equipment and documents

Medication Administration

▶ 118.29

- Policy
- Training
- Civil Liability



Medication Administration

► Policy

- Each district or governing board, shall adopt a medication administration policy that is developed with input from a **school nurse**, with periodic review
- The policy should reflect Wisconsin law

Medication Administration

➤ Authorization:

- The administrator must authorize in writing who will be allowed to administer medications
 - Written form, job description, each year
 - Administrator should collaborate with the school nurse
 - Administrator should recognize that not all staff will feel comfortable or be able to perform nursing tasks
 - Staff member has right to refuse to give medication that is not orally given, unless job description states responsibility

Medication Administration

➤ Training

- School nurse:
 - Completes and documents training of those authorized by administrator
 - Decides competency of trained staff
 - Advises administrator regarding competency of trained staff
- DPI-approved training:
 - Knowledge modules every 4 years
 - Skills check off every year
 - District may require more frequent training

Medication Administration

- **Training**
- The law does not require training for oral medications
 - District decision
 - Best practice is to train in oral, topical, eye, and ear meds
- Law states training must be done for:
 - Inhalers
 - Injections
 - G-tube medication
 - Rectal

Medication Administration

▶ Civil Liability Exemptions:

- The administrator that authorizes medication administration*
- The school bus driver, staff or volunteers that have been authorized and trained*
- Emergency care
- ** Unless there is a high degree of negligence*
- ***Health care professionals are not included*

Medication Administration

- ▶ **Practicing Nursing without a License**
 - “....if school personnel perform nursing or medical procedures without the license to do so, they may be found to be illegally engaging in the unlicensed practice of nursing or medicine. Such actions can result in criminal penalties or injunctive action. It can also result in the loss of immunity from civil suit.”
- ▶ Boardman and Clark, LLP. (2012). Legal Comment: Administration of Medication to Pupils. Available at: https://www.wasbmemberservices.org/websites/wisconsin_school_news/File/2012_April/Legal%20Comment%20April%202012.pdf

Medication Administration

▶ Self-carry:

- Inhaler Law

- Wis. Stat. 118.291

- Epinephrine Law

- Wis. Stat. 118.292



Medication Administration

- ▶ Life threatening allergies in schools: Epinephrine stocking
 - Wis. Stat. 118.2925

New



Medication Administration

- ▶ **Epinephrine stocking:**
 - A district may choose to stock
 - Allows districts to develop a plan approved by a physician
 - Allows medical advisor to prescribe
 - Allows pharmacist to fill prescription



Medication Administration

- ▶ The WI medication law is silent on a district having other “stock medications”
 - ▶ If a district chooses to stock non-prescription medications such as Tylenol, the district is advised to have a protocol in place from the medical advisor
 - ▶ Written parent permission to administer is still necessary
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Medication Administration

- ▶ The law states the school bus operator, employee or volunteer may use:
 - An epinephrine auto-injector for any student who appears to be having a severe allergic reaction and then calls 911
 - Glucagon to any student known to have diabetes and who appears to be having hypoglycemia and then calls 911
- ▶ The school nurse will help to determine staff involvement and training requirements

Medication Administration

- ▶ Newer routes of medications:
 - Intranasal
 - Buccal



Concussion Law

Wis. Stat. sec. 118.293



▶ December 2013

- A school district only needs to distribute and collect student/parent signatures for head concussion education once during each school year for a student, rather than for each season
- Still need to distribute and collect coaches' signatures for each seasonal sport



Concussion

- ▶ **Education** of coaches, athletes, and parents before beginning the sport
 - ▶ **Immediate removal** of an athlete if concussion is suspected
 - ▶ **Evaluation** for concussion by a health care provider on all athletes removed due to symptoms of concussion
 - ▶ Health care provider should have concussion training
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Laws That Affect School Nurses

Meningococcal Vaccine Law

Wis. Stat. 118.07(3)

Meningococcal Vaccine

- ▶ Each year, parents and guardians of all enrolled 6th graders shall be provided information on the meningococcal disease—causes and symptoms, how it is spread, and how to obtain more information on the disease, and the availability of vaccination—its effectiveness and risks

Laws That Affect School Nurses

Reporting of Child Abuse

Wis. Stat. 48.98(2)(a)16m

Reporting of Sexually Active Youth

Wis. Stat. 48.981



Reporting

- ▶ You are a mandated reporter for suspicion of child abuse or neglect
 - ▶ Health Care Provider definition and exemption for sexually active youth—have this information handy
 - ▶ Know the law
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Summary

- ▶ School nurses need to become familiar with the many laws surrounding school health
 - ▶ Collaboration between the student, the family, the provider, the administrator, the school nurse, and the UAP is imperative in making for a safe environment
 - ▶ Become involved with other school nurses in your area; don't isolate yourself
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New DPI Resources

- ▶ [Bloodborne pathogens school training program](#)
 - ▶ [New school nurse training 2013](#)
 - ▶ [Chronic health conditions](#)
 - ▶ New school nurse health services report
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References

- ▶ Wisconsin State Statutes
- ▶ Wisconsin Department of Public Instruction. (2012). *Administration of Medications to Pupils*, 3rd ed.
- ▶ Wisconsin Department of Public Instruction. *Nurse Practice Act & Delegation*

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