

Date: 1/16/18
To: Wisconsin school district staff
From: Louise Wilson, MS, BSN, RN, NCSN
Subject: 2017 Wisconsin Act 29 compliance- revised 1/16/18

The Department of Public Instruction has revised its guidance regarding the training component of Wisconsin's pupil medication law ([Wis. Stat. § 118.29](#)) as amended by [2017 Wisconsin Act 29](#). Language was added related to the emergency administration of opioid antagonist to pupils and other persons who appear to be undergoing an opioid-related drug overdose. The Wisconsin Department of Public Instruction (DPI) offers the following guidance in regards to [2017 Wisconsin Act 29](#).

Please note [Wis. Stat. § 118.2925](#), does not apply to this amended section. School districts and school boards are strongly encouraged to consult with the district's legal counsel when developing new policies and protocols.

The DPI will post training resources to its website .

1. Are medication consents required?

No. The administration of an opioid antagonist is considered an emergency situation. The school bus operator, employee, or volunteer who administers the opioid antagonist to a pupil or other person who appears to be undergoing an opioid-related drug overdose is required as soon as practicable to report the drug overdose by dialing "911" or otherwise contacting emergency medical services.

2. What type of training is required for "school bus operators, employees, or volunteers" to administer an opioid antagonist on school grounds or school related activities to a pupil or other person?

In order to comply with the requirements of Wis. Stat. § 118.29 (2) and (6) any bus operator, school employee, or volunteer administering medications to students must be authorized in writing by an administrator and must receive DPI approved training. The training is a requirement in order to be immune from civil liability

DPI suggests best practice would be to train individuals most likely to respond to these types of emergency situations. DPI will post to its website links specific to the intranasal and intramuscular injection of opioid antagonists.

3. *May school districts stock opioid antagonist? Are school districts required to stock opioid antagonists?*

Nothing in the law requires school districts to stock opioid antagonists. School districts are encouraged to seek guidance from the district's legal counsel if they choose to stock opioid antagonists.

Careful consideration should be given to the procurement and storing of opioid antagonists. School districts may choose to reference the National Association of School Nurses' (NASN) [*Naloxone in Schools Toolkit*](#) to learn more about issues and concerns.

4. *Is a written policy/protocol required?*

A separate policy is not required by this section of law which allows a school bus operator, employee or volunteer acting on good faith to administer an opioid antagonist to a pupil or other person. It is recommended that school districts address the emergency administration of opioid antagonists in their general medication administration policy.

5. *What protections from liability exist for those administering opioid antagonists to pupils or other persons?*

Individuals administering an opioid antagonist under [Wis. Stat. § 118.29 \(2\) \(a\) 2g](#) are immune from civil liability for his or her actions unless the act constitutes a high degree of negligence. This immunity does not apply to health care professionals. (See [Wis. Stat. § 118.2925\(5\)](#) for other liability information.)

6. *What is the role of school nurses in the administration of opioid antagonist to pupils or other persons?*

The role and scope of practice of school nurses is not specifically addressed in this revised section of law. School nurses and school districts are encouraged to seek guidance from their district's legal counsel. As a registered professional nurse, school nurses will be held accountable to the Nurse Practice Act and professional standards of care. There is no civil immunity under this statute for school nurses as they are health care professionals. (See Wis. Stat. § 118.2925(5) for other liability information.)

2017 Wisconsin Act 29: signed 7/17/17 enacted 7/18/17