

## **Prescription/Nonprescription Medications\*\***

Students may, subject to the provisions of this administrative regulation, have prescription or nonprescription medication administered by designated personnel, or may be permitted to administer prescription or nonprescription medication to oneself.

### 1. Definitions

- a. “Medication” means any drug, chemical compound, suspension or preparation in suitable form for use as a curative or remedial substance taken internally or externally but not injected except for premeasured doses of epinephrine, medication to treat adrenal insufficiency and glucagon to treat severe hypoglycemia. Medication includes any prescription for bronchodilators or autoinjectable epinephrine prescribed by a student’s Oregon licensed health care professional for asthma or severe allergies. <sup>1</sup>Medication also includes naloxone or any similar medication that is in any form available for the safe administration and that is designed to rapidly reverse an overdose of an opioid drug.
- b. “Prescription medication” means any medication that under federal or state law requires a prescription by a prescriber.
- c. “Nonprescription medication” means medication that under federal or state law does not require a prescription from a prescriber.
- d. “Adrenal crisis” means adrenal crisis as defined in Oregon Revised Statute (ORS) 433.800.
- e. “Adrenal insufficiency” means adrenal insufficiency as defined in ORS433.800.
- f. “Notice of a diagnosis of adrenal insufficiency” means written notice to the ESD from a student or the parent or guardian of a student who has been diagnosed as adrenal insufficient with a copy of an order from the student’s primary care provider that includes the medication to treat adrenal insufficiency crisis and instructions for follow up care after medication to treat adrenal insufficiency crisis has been administered.
- g. “Prescriber<sup>1</sup> means a doctor of medicine or osteopathy, a physician assistant licensed to practice by the Board of Medical Examiners for the state of Oregon, a Oregon-licensed, advance practice registered nurse with prescriptive authority, a dentist licensed by the Board of Dentistry for the state of Oregon, an optometrist licensed by the Board of Optometry for the state of Oregon, a naturopathic physician licensed by the Board of Naturopathy for the state of Oregon.
- h. “Qualified trainer” means a person who is familiar with the delivery of health services in a school setting and who is a registered nurse licensed by the Oregon State Board of Nursing, a doctor of medicine or osteopathy or a physician assistant licensed by the Board of Medical Examiners for the state of Oregon or a pharmacist licensed by the Board of Pharmacy for the state of Oregon.

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<sup>1</sup> If the ESD plans to provide and/or administer naloxone in the ESD this language and associated bracketed language is required. If the ESD does not plan to provide and/or administer naloxone in the ESD do not include this language or other associated bracketed language.

- i. “Severe allergy” means a life-threatening hypersensitivity to a specific substance such as food, pollen, dust or insect sting.
- j. “Asthma” means a chronic inflammatory disorder of the airways that requires ongoing medical intervention.
- k. “Designated personnel” means the school personnel designated to administer medication pursuant to ESD policy and procedure.

## 2. Designated ESD Staff Training

- a. The Program Administrator will designate personnel authorized to administer prescription or nonprescription medication to a student while the student is in school, at an ESD-sponsored activity, under the supervision of ESD personnel, in a before-school or after-school care program on ESD-owned property and in transit to and from school or an ESD-sponsored activity, as required by Oregon law. The principal will supervise and ensure building and activity practices and procedures are consistent with the requirements of law, rules, and this administrative regulation.
- b. The Program Administrator will ensure the training required by Oregon law is provided to designated personnel. Training must be conducted by a qualified trainer. Training will be provided annually to designated personnel authorized to administer medication to students. The first year and every third year of training requires in-person instruction; during the intervening years, designated personnel may complete an online training that has been approved by the Oregon Department of Education (ODE) so long as a trainer is available within a reasonable amount of time following the training to answer questions and provide clarification.
- c. Training will provide an overview of applicable provisions of Oregon law, administrative rules, ESD policy and administrative procedures and include, but not limited to, the following: safe storage, handling, monitoring of medication supplies, disposing of medications, recordkeeping and reporting of medication administration and errors in administration, emergency medical response for life-threatening side effects and allergic reactions or adrenal insufficiency and student confidentiality. Materials as recommended and/or approved by the ODE will be used.
- d. A copy of the ESD’s policy and administrative regulation will be provided to all staff authorized to administer medication to students and others, as appropriate.
- e. A statement that the designated personnel has received the required training will be signed by the staff member and filed in the ESD office.

## 3. Administering Premeasured Doses of Epinephrine to a Student or Other Individual

A premeasured dose of epinephrine may be administered by trained, designated personnel to any student or other individual on ESD-owned premises who the personnel believe, in good faith, is experiencing a severe allergic reaction, regardless of whether the student or individual has a prescription for epinephrine.

## 4. <sup>2</sup>Administering Naloxone or Other Similar Medication to a Student or Other Individual

Naloxone or any other similar medication that is in any form for safe administration and that is

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<sup>2</sup> Ibid. p. 1.

designed to rapidly reverse an overdose of an opioid drug may be administered by trained, designated personnel to any student or other individual on school premises who the person believes in good faith is experiencing an opioid overdose.

#### 5. Administering of Medications to a Student Experiencing Symptoms of Adrenal Crisis

A student experiencing symptoms of adrenal crisis while the student is in school, at an ESD-sponsored activity, while under the supervision of ESD personnel, in a before-school or after-school care program on ESD-owned property and in transit to or from school or an ESD-sponsored activity may be treated by designated personnel and shall be subject to the following:

- a. Upon notice of a diagnosis of adrenal insufficiency, as defined in Oregon Administrative Rule (OAR) 581-021-0037, the building principal will designate one or more ESD personnel to be responsible for administering the medication to treat adrenal insufficiency;  
The designated personnel will successfully complete training to administer medication to treat a student who has adrenal insufficiency and is experiencing symptoms of adrenal crisis in accordance with the rules adopted by the Oregon Health authority;  
The student or the student's parent or guardian must provide adequate supply of the student's prescribed medication to the ESD;  
The Superintendent will require the development of an individualized health care plan for the student that includes protocols for preventing exposures to allergens, and establishes if or when a student may self-carry prescription medication when the student has not been approved to self-administer medication;  
In the event that a student experiences symptoms of adrenal crisis and the designated personnel determines the medication to treat adrenal insufficiency should be administered, any available staff member will immediately call 911 and the student's parent or guardian.

#### 6. Administering Medications to a Student

- a. A request to permit designated personnel to administer medication to a student may be approved by the ESD and is subject to the following:
  - (1) A written request for the designated personnel to administer prescription medication to a student, if because of the prescribed frequency or schedule, the medication must be given while the student is in school, at an ESD-sponsored activity, while under the supervision of ESD personnel and in transit to or from school or an ESD-sponsored activity, must be submitted to the school office and shall include:
    - a) The written permission of the student's parent or guardian or the student if the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675; and
    - b) The written instruction from the prescriber for the administration of the medication to the student that includes:
      - i. Name of the student;
      - ii. Name of the medication;
      - iii. Method of administration;

- iv. Dosage;
- v. Frequency of administration;
- vi. Other special instructions from the prescriber, if any; and
- vii. Signature of the prescriber.

The prescription label prepared by a pharmacist at the direction of the prescriber, will be considered to meet this requirement if it contains the information listed in (i) – (vi) above.

- (2) A written request for designated personnel to administer nonprescription medication to a student must be submitted to the school office and is subject to the following:
  - a) The nonprescription medication is necessary for the student to remain in school;
  - b) The nonprescription medication is provided in the original manufacturer’s container by the parent or guardian of the student;
  - c) The written instruction from the student’s parent or guardian for the administration of the nonprescription medication includes:
    - i. Name of the student;
    - ii. Name of the medication;
    - iii. Method of administration;
    - iv. Dosage;
    - v. Frequency of administration;
    - vi. Other special instruction, if any; and
    - vii. Signature of the student’s parent or guardian

If the written instruction is not consistent with the manufacturer’s guidelines for the nonprescription medication, the written instruction must also include a written order allowing the inconsistent administration signed by a prescriber.

- d) If the nonprescription medication is not approved by the Food and Drug Administration (FDA), a written order from the student’s prescriber is required and will include:
    - i. Name of student;
    - ii. Name of medication;
    - iii. Dosage;
    - iv. Method of administration;
    - v. Frequency of medication
    - vi. A statement that the medication must be administered while the student is in school;
    - vii. Other special instructions, if any; and
    - viii. Signature of the prescriber
- b. An individualized health care and allergy plan will be developed for a student with a known life-threatening allergy and will include protocols for preventing exposures to allergens and procedures for responding to life-threatening allergic reactions while the student is in school,

at an ESD-sponsored activity, while under the supervision of ESD personnel in a before-school or after-school care program on ESD-owned property and in transit to or from school or an ESD-sponsored activity, and will include a determination on if or when the student may self-carry prescription medication if the student has not been approved to self administer medication;'

- c. It is the responsibility of the student's parent or guardian or the student (if the student is allowed to seek medical care without parental consent), to ensure that an adequate amount of medication is on hand at the school for the duration of the student's need to take medication;
- d. It is the responsibility of the student's parent or guardian or the student (if the student is allowed to seek medical care without parental consent), to ensure that the school is informed in writing of any changes in medication instructions;
- e. In the event a student refuses medication, the parent or guardian will be notified immediately, except where a student is allowed to seek medical care without parental consent. No attempt will be made to administer medication to a student who refuses a medication;
- f. Any error in administration of a medication will be reported to the parent or guardian immediately, except where a student is allowed to seek medical care without parental consent, and documentation made on the ESD's Accident/Incident Report form. Errors include, but are not limited to, administering medication to the wrong student, administering the wrong medication, dose, frequency of administration or method of administration;
- g. Medication shall not be administered until the necessary permission form and written Instructions have been submitted as required by the ESD.

7. Administration of Medication by a Student to themself

- a. A student including a student in grades K through 12 with asthma or severe allergies, may be permitted to administer medication to themself without assistance from designated personnel and is subject to the following:
  - 1. A student must demonstrate the ability, developmentally and behaviorally, to self-administer prescription medication and must have:
    - a). A permission form from a parent or guardian, except when the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675, and other documentation requested by the ESD must be submitted for self-medication of all prescription medications;
    - b). If the student has asthma, diabetes and/or severe allergy, a medication that is prescribed by a prescriber and a written treatment plan developed by a prescriber or other Oregon licensed health care professional for managing of the student's asthma, diabetes and/or severe allergy, and directs use by the student while the student is in school, at an ESD-sponsored activity, while under the supervision of ESD personnel in a before-school or after-school care program on ESD-owned property and in transit to or from school or an ESD-sponsored activity. The prescriber will include acknowledgement the student has been instructed in the correct and responsible use of the prescribed medication;
    - c). The permission to self-administer the medication from a building administrator and a prescriber or a registered nurse practicing in a school setting.

2. A student must demonstrate the ability, developmentally and behaviorally, to self-administer nonprescription medication and must have:
  - a). The written permission of the student's parent or guardian, except when the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675;
  - b). The medication must have the student's name affixed to the manufacturer's original container; and
  - c). The permission to self-administer medication from a Program Administrator.
3. A student must demonstrate the ability, developmentally and behaviorally, to self-administer nonprescription medication that is not approved by the FDA and must have:
  - a) The written permission of the student's parent or guardian, except when the student is allowed to seek medical care without parental; consent pursuant to ORS 109.610, 109.640 or 109.675; and
  - b). A written order from the student's prescriber that includes:
    - i. Name of the student;
    - ii. Name of the medication;
    - iii. Dosage;
    - iv. Method of administration;
    - v. Frequency of administration;
    - vi. A statement that the medication must be administered while the student is in school;
    - vii. Other special instructions, if any; and
    - viii. Signature of the prescriber.
- b. The student may have in their possession only the amount of medication needed for that school day except for manufacture's packaging that contains multiple dosage, the student may carry one package, such as but not limited to, autoinjectable epinephrine or bronchodilators/inhalers;
- c. Sharing and/or borrowing of any medication with another student is strictly prohibited;
- d. For a student who has been prescribed bronchodialaters or epinephrine, the designated personnel will request that the parent or guardian provide backup medication for emergency use by that student. Backup medication, if provided, will be kept at the student's school in a location to which the student has immediate access in the event the student has an asthma and/or severe allergy emergency.
- e. Upon written request from a parent or guardian, and with a prescriber's written statement that the lack of immediate access to a backup autoinjectable epinephrine may be life threatening to a student, and the location the school stores backup medication is not located in the student's classroom, a process shall be established to allow the backup autoinjectable epinephrine to be kept in a reasonably secure location in the student's classroom.
- f. A student shall not administer medication to themselves until the necessary permission form and written instructions have been submitted as required by the ESD;
- g. Permission for a student to administer medication to themselves may be revoked if the student violates Board policy and/or this administrative regulation;
- h. A student may be subject to discipline, up to and including expulsion, as appropriate;

- i. A student permitted to administer medication to themselves may be monitored by designated personnel to monitor the student's response to the medication.
7. Handling, Monitoring and Safe Storage of Medication Supplies for Administering Medication to Students
- a. Medication administered by designated personnel to a student or self-administered by a student must be delivered to the school in its original container, accompanied by the permission form and written instructions, as required above.
  - b. Medication in capsule or tablet form and categorized as a sedative, stimulant, anti-convulsant, narcotic analgesic, or psychotropic medication will be counted by designated personnel in the presence of another ESD employee upon receipt, documented in the student's medication log, and routinely monitored during storage and administration. Discrepancies will be reported to the Program Administrator immediately and documented in the student's medication log. For such medication not in capsule or tablet form, standard measuring and monitoring procedures will apply.
  - c. Designated personnel will follow the written instructions of the prescriber and the student or the student's parent or guardian, and training guidelines as may be recommended by the ODE for administering all forms of prescription and/or nonprescription medications.
  - d. Medication will be secured as follows:
    - (1) Non-refrigerated medications will be stored in a locked cabinet, drawer, or box reserved solely for that purpose;
    - (2) Medications requiring refrigeration will be stored in a locked box in a refrigerator;
    - (3) Access to medication storage keys will be limited to the Program Administrator and designated school personnel.
  - e. Designated school personnel will be responsible for monitoring all medication supplies and for ensuring medication is secure at all times, not left unattended after administering and that the medication container is properly sealed and returned to storage.
  - f. In the event medication is running low, or an inadequate dosage is on hand to administer the medication, the designated personnel will notify the student's parent or guardian or the student (in situations involving ORS 109.610, 109.640 and 109.675) immediately.
8. Emergency Response
- a. Designated personnel will notify 911 or other appropriate emergency medical response systems and administer first-aid, as necessary, in the event of life-threatening side-effects that result from ESD-administered medication or from student self-medication or allergic reactions. The parent or guardian, and Program Administrator will be notified immediately.
  - b. Minor adverse reactions that result from ESD-administered medication or from student self-medication will be reported to the parent or guardian immediately, except when the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675.

- c. Any available ESD staff will immediately call 911 and the student's parent or guardian if the designated personnel believes the student is experiencing symptoms of adrenal crisis and plans to administer medication.

## 9. Disposal of Medications

- a. Medication not picked up by the student's parent or guardian, or the student when allowed pursuant to ORS 109.610, 109.640 and 109.675, at the end of the school year or within five days of the end of the medication period, whichever is earlier, will be disposed of by designated personnel in a non-recoverable fashion as follows:
  - (1) Medication will be removed from its original container and personal information will be destroyed;
  - (2) Solid medications will be crushed, mixed or dissolved in water, liquid medications will be mixed or dissolved in water; and
  - (3) Mixed with an undesirable substance, coffee grounds, kitty litter, flour; and
  - (4) Placed in impermeable non-descript containers, empty cans or sealable bags, and placed in the trash.

Prescriptions will be flushed down the toilet only if the accompanying patient information specifically instructs it is safe to do so.

Other medications will be disposed of in accordance with established training procedures including sharps and glass.

- b. All medication will be disposed of by designated personnel in the presence of another school employee and documented as described in section 10 below.

## 10. Transcribing, Recording and Record-Keeping

- a. A medication log will be maintained for each student administered medication by the ESD. The medication log will include, but not be limited by:
  - (1) The name of the student, name of medication, dosage, and method of administration, date and time of administration, frequency of administration and the name of the person administering the medication;
  - (2) Student refusals of medication;
  - (3) Errors in administration of medication;
  - (4) Incidents of emergency and minor adverse reaction by a student to medication;
  - (5) Discrepancies in medication supply; and
  - (6) Disposal of medication, including date, quantity, manner in which the medication was destroyed, and the signature of the ESD staff involved.
- b. All records relating to administration of medications, including permission and written instructions, will be maintained in a separate, medical file apart from the student's education



records file unless otherwise related to the student's educational placement and/or individualized education plan. Records will be retained in accordance with applicable provisions of OAR 166-400-0040 (14), and OAR 166-400-0060(29).

- c. Student health information will be kept confidential. Access shall be limited to those designated personnel authorized to administer medication to students, the student and their parents or guardian. Information may be shared with other staff with a legitimate educational interest in the student or others as may be authorized by the parent or guardian in writing or others as allowed under state and federal law.

\*\*As used in this administrative rule, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005 (4) and 125.300 - 125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student to whom rights have transferred and foster parent as defined in OAR 581-015-2000.