

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1885

By: Jolley

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2001, Section 1-116.2, which relates to administration of medicine to students; requiring certain duties be performed by a licensed healthcare professional; limiting liability for performance of certain duties; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 70 O.S. 2001, Section 1-116.2, is amended to read as follows:

Section 1-116.2 A. A school nurse, or in the absence of such nurse, an administrator or designated school employees, pursuant to the written authorization of the parent or guardian of the student, may administer:

1. A nonprescription medicine; and

2. A filled prescription medicine as that term is defined by Section 353.1 of Title 59 of the Oklahoma Statutes pursuant to the directions for the administration of the medicine listed on the label or as otherwise authorized by a licensed physician.

B. Except in cases of emergency, extensive medical-related duties shall be performed by a licensed healthcare professional.

Such duties include, but are not limited to:

1. Performing fingerstick blood sugars;

2. Administering diabetic medications, including subcutaneous insulin injection; and

3. Administering medications, first aid treatments, and nutrition by means of oral, rectal, vaginal, ophthalmic, nasal, skin, topical, transdermal and nasogastric/gastrostomy tube routes.

C. In addition to the persons authorized to administer nonprescription medicine and filled prescription medicine pursuant to the provisions of subsection A of this section, a nurse employed by a county health department and subject to an agreement made between the county health department and the school district for medical services, may administer nonprescription medicine and filled prescription medicine pursuant to the provisions of this section.

~~C.~~ D. Each school in which any medicine is administered pursuant to the provisions of this section shall keep a record of the name of the student to whom the medicine was administered, the date the medicine was administered, the name of the person who administered the medicine, and the type or name of the medicine which was administered.

~~D.~~ E. Medicine to be administered by the county or school nurse, administrator or the designated persons and which is stored at the school shall be properly stored and not readily accessible to persons other than the persons who will administer the medication.

~~E.~~ F. The school shall keep on file the written authorization of the parent or guardian of the student to administer medicine to the student.

~~F.~~ G. A school nurse, county nurse, administrator, or the designated school employees shall not be liable to the student or a parent or guardian of the student for civil damages for any personal injuries to the student which result from acts or omissions of the school or county nurse, administrator, or designated school employees in administering any medicine or performing any medical-related duty pursuant to the provisions of this section. This immunity shall not apply to acts or omissions constituting gross, willful, or wanton negligence.

SECTION 2. This act shall become effective November 1, 2006.