

CHAPTER 136
SENATE BILL No. 10

AN ACT concerning schools and school districts; relating to the self-administration of medication; amending K.S.A. 2004 Supp. 72-8252 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2004 Supp. 72-8252 is hereby amended to read as follows: 72-8252. (a) As used in this section:

(1) “Medication” means a medicine ~~prescribed by a health care provider for the treatment of anaphylactic reactions~~ *anaphylaxis* or asthma ~~which is prescribed by:~~ (A) ~~A physician licensed to practice medicine and surgery;~~ (B) ~~an advanced registered nurse practitioner issued a certificate of qualification pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs as provided by K.S.A. 65-1130, and amendments thereto; or~~ (C) ~~a physician assistant licensed pursuant to the physician assistant licensure act who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-28a08, and amendments thereto including, but not limited to, any medicine defined in section 201 of the federal food, drug and cosmetic act, inhaled bronchodilators and auto-injectible epinephrine.~~

(2) “Health care provider” means: (A) *A physician licensed to practice medicine and surgery;* (B) *an advanced registered nurse practitioner issued a certificate of qualification pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs as provided by K.S.A. 65-1130, and amendments thereto; or* (C) *a physician assistant licensed pursuant to the physician assistant licensure act who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-28a08, and amendments thereto.*

(3) “School” means ~~any school property or grounds upon which is located a building or structure used by a school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of students enrolled in kindergarten or any of the grades one through 12 or at any school sponsored activity or event public or accredited nonpublic school.~~

(4) “Self-administration” means *a student’s discretionary use of such student’s medication pursuant to a prescription or written direction from a health care provider.*

(b) Each school district shall adopt a policy authorizing the self-administration of medication by students ~~in grades 6 enrolled in kindergarten or any of the grades 1 through 12. A school district may adopt a policy authorizing the self-administration of medication for students in kindergarten and grades 1 through 5. A student shall meet all requirements of a policy adopted pursuant to this subsection. Such policy may shall include, but shall not be limited to:~~

(1) A requirement of a written statement from the student’s health care provider stating the name and purpose of the medication; the prescribed dosage; the time the medication is to be regularly administered, and any additional special circumstances under which the medication is to be administered; and the length of time for which the medication is prescribed;

~~(2) a requirement that the student provide a written authorization from the student’s health care provider and parent or guardian stating that such student has been instructed on self-administration of the medication and is authorized to do so in school; and~~

~~(3) a requirement that the student’s parent or guardian provide written authorization for the self-administration of medication.~~

(2) *a requirement that the student has demonstrated to the health care provider or such provider’s designee and the school nurse or such nurse’s designee the skill level necessary to use the medication and any device that is necessary to administer such medication as prescribed. If there is no school nurse, the school shall designate a person for the purposes of this subsection;*

(3) *a requirement that the health care provider has prepared a written treatment plan for managing asthma or anaphylaxis episodes of the student and for medication use by the student during school hours;*

(4) *a requirement that the student’s parent or guardian has completed and submitted to the school any written documentation required by the*

school, including the treatment plan prepared as required by paragraph (3) and documents related to liability;

(5) a requirement that all teachers responsible for the student's supervision shall be notified that permission to carry medications and self-medicate has been granted; and

(6) any other requirement imposed by the school district pursuant to this section and subsection (e) of K.S.A. 72-8205, and amendments thereto.

(c) ~~Schools may~~ A school district shall require annual renewal of parental authorization for the self-administration of medication.

(d) A school district, and its officers, employees and agents, which authorizes the self-administration of medication ~~in compliance with the provisions of this section~~ in compliance with the provisions of this section shall not be held liable in any action for ~~any~~ damage, injury or death resulting directly or indirectly from the self-administration of medication.

(e) ~~The~~ A school district shall provide written notification to the parent or guardian of a student that the school district and its officers, employees and agents are not liable for ~~any~~ damage, injury or death resulting directly or indirectly from the self-administration of medication. The parent or guardian of the student shall sign a statement acknowledging that the school ~~incurs~~ district and its officers, employees or agents incur no liability for ~~any~~ damage, injury or death resulting directly or indirectly from the self-administration of medication and agreeing to release, indemnify and ~~holding~~ hold the school; and its officers, employees and agents, harmless from and against any claims relating to the self-administration of such medication.

(f) A school district shall require that any back-up medication provided by the student's parent or guardian be kept at the student's school in a location to which the student has immediate access in the event of an asthma or anaphylaxis emergency.

(g) A school district shall require that information described in paragraphs (3) and (4) of subsection (b) be kept on file at the student's school in a location easily accessible in the event of an asthma or anaphylaxis emergency.

(h) An authorization granted pursuant to subsection (b) shall allow a student to possess and use such student's medication at any place where a student is subject to the jurisdiction or supervision of the school district or its officers, employees or agents.

(i) A board of education may adopt a policy pursuant to subsection (e) of K.S.A. 72-8205, and amendments thereto, which:

(1) Imposes requirements relating to the self-administration of medication which are in addition to those required by this section; and

(2) establishes a procedure for, and the conditions under which, the authorization for the self-administration of medication may be revoked.

~~The provisions of this section shall expire on June 30, 2005.~~

Sec. 2. K.S.A. 2004 Supp. 72-8252 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 15, 2005.
