

Students

Administrative Procedure - Checklist for District Supply of Undesignated Asthma Medication, Epinephrine Injectors, and/or Opioid Antagonists

- The Superintendent, school nurse, and/or other necessary school officials should consult the Board Attorney to develop a plan to implement Section 22-30 of the School Code.
- Obtain a prescription to maintain a supply of one or all of the following: undesignated asthma medication (UAM), epinephrine injector(s) (UEIs), and/or opioid antagonist(s) (UOAs) in the District's name pursuant to 105 ILCS 5/22-30(f), amended by P.A.s 98-795, 99-480, 100-513, and 100-726, eff. 1-1-19.
- Designate a secure location(s) to store UAM, UEIs and/or UOAs where persons needing these medications are most at risk (105 ILCS 5/22-30(f)), amended by P.A.s 99-480, 100-513, and 100-726, eff. 1-1-19). For UEIs, this includes but is not limited to, classrooms and lunchrooms. Id. For UAM, this includes but is not limited to, a classroom or the nurse's office. Id.
- Develop a method for maintaining an inventory of UAM, UEIs, and UOAs. The inventory should list the expiration dates of the UAM, UEIs and UOAs.
- Identify procedures for a log or other recordkeeping of provisions, or administrations of UAM, UEIs, and UOAs.
- Maintain a list in each building administrator and/or his or her corresponding school nurse's office that includes the names of trained personnel who have received a statement of certification pursuant to State law.
- Develop procedures to implement the prescribed standing protocol for the provision, or administration of UAM, UEIs and/or UOAs, including calling 911 and noting any instructions given by Emergency Management Services (EMS) (105 ILCS 5/22-30 and 23 Ill.Admin.Code §1.540(d)). Upon any administration of *any* epinephrine injector, or opioid antagonist, procedures must include:
 1. Immediate activation of the EMS system. 105 ILCS 5/22-30(f-5), amended by P.A. 99-480. 105 ILCS 5/22-30(f-5), amended by P.A. 100-726, eff. 1-1-19, does not address contacting EMS upon the administration of *any* asthma medication (so asthma medication is excluded from introductory clause above). This may mean that the Ill. General Assembly did not intend for school personnel to notify EMS when administering a student's *prescribed* asthma medication (as opposed to UAM). However, 105 ILCS 5/22-30(j-15), amended by P.A. 99-843 (which requires school personnel who work with students to complete an in-person or online training program on the management of asthma, the prevention of asthma symptoms, and emergency response in the school setting every two years) requires asthma action plans. Some attorneys advise that all asthma action plans mandate an immediate 911 call based upon In re Estate of Stewart, 406 Ill.Dec. 345 (2nd Dist. 2016); In re Estate of Stewart, 412 Ill.Dec. 914 (Ill. 2017) (school district's appeal denied) (holding that a teacher's failure to dial 911 immediately upon a student's asthma attack was willful and wanton conduct, subjecting the school district to liability and barring immunity protections under the Local Governmental and Governmental Employees Tort Immunity Act). Consult

the Board attorney about whether to contact EMS when *any* asthma medication is administered.

2. Notification to the student’s parent, guardian, or emergency contact, if known. Id. 105 ILCS 5/22-30(f-5), amended by P.A. 100-726, eff. 1-1-19, does not address contacting the student’s parent, guardian, or emergency contact upon the administration of *any* asthma medication. See the discussion in number 1, above, about asthma action plans pursuant to 105 ILCS 5/22-30(j-15), amended by P.A. 99-843, and consult the Board attorney.
3. The following reports and/or notifications by the school nurse when a(n):

| UEI was administered: | UOA was administered: | UAM was administered: |
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| <p>a. Physician, physician assistant, or advance practice registered nurse who provided the standing protocol or prescription for the UEI within 24 hours. 105 ILCS 5/22-30(f-10), amended by P.A. 100-513.</p> <p>b. Ill. State Board of Education (ISBE) within three (3) days. 105 ILCS 5/22-30(i). Notification will be on an ISBE-prescribed form, and will include:</p> <ol style="list-style-type: none"> i. Age and type of person receiving epinephrine (student, staff, visitor); ii. Any previously known diagnosis of a severe allergy; iii. Trigger that precipitated allergic episode; iv. Location where symptoms developed; v. Number of doses administered; vi. Type of person administering epinephrine (school nurse, trained personnel, student); and vii. Any other information | <p>a. The health care professional (20 ILCS 301/5-23(d)(4), amended by P.A. 100-201) who provided the prescription for the opioid antagonist within 24 hours. 105 ILCS 5/22-30(f-10), amended by P.A.s 99-480 and 100-513.</p> <p>b. Ill. State Board of Education (ISBE) within three (3) days. 105 ILCS 5/22-30(i-5), amended by P.A. 99-480. Notification will be on an ISBE-prescribed form, and will include:</p> <ol style="list-style-type: none"> i. Age and type of person receiving the opioid antagonist (student, staff, or visitor); ii. Location where symptoms developed; iii. Type of person administering the opioid antagonist (school nurse or trained personnel); and iv. Any other information required by ISBE on the form. | <p>a. Physician, physician assistant, or advanced practice registered nurse who provided the standing protocol and a prescription for the UAM within 24 hours. 105 ILCS 5/22-30(f-10), amended by P.A. 100-726, eff. 1-1-19.</p> <p>b. Ill. State Board of Education (ISBE) within three (3) days. 105 ILCS 5/22-30(i-10), amended by P.A. 100-726, eff. 1-1-19. Notification will be on an ISBE-prescribed form, and will include:</p> <ol style="list-style-type: none"> i. Age and type of person receiving asthma medication (student, staff, visitor); ii. Any previously known diagnosis of asthma; iii. Trigger that precipitated respiratory distress, if identifiable; iv. Location where |

| UEI was administered: | UOA was administered: | UAM was administered: |
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| required by ISBE on the form. | | symptoms developed; v. Number of doses administered; vi. Type of person administering the asthma medication (school nurse, trained personnel or student); vii. Outcome of the asthma medication administration; and viii. Any other information required by ISBE on the form. |

- Determine how the District will identify the student populations whose parents/guardians:
1. Have not completed and signed a *School Medication Authorization Form*, or
 2. Have not provided asthma medication, an epinephrine injector and/or opioid antagonist, as applicable to the student, for a student for use at school, even though they have completed the *School Medication Authorization Form*.

- Determine when the school nurse will provide or administer the UAM, UEIs and/or UOAs, as applicable, to students.

The school nurse or trained personnel may:

1. Provide a UAM or UEI, as applicable to the situation, that meets the prescription on file in the *School Medication Authorization Form* to:
 - a. Any student for his or her self-administration only (105 ILCS 5/22-30(a), amended by P.A.s 99-480 and 100-726, eff. 1-1-19, and (b-10)(i), (ii), (v)(amended by P.A. 100-726, eff. 1-1-19) and (vi)(amended by P.A. 100-726, eff. 1-1-19)),
 - b. Any personnel authorized under a student’s specific Individual Health Care Action Plan, Food Allergy Emergency Action Plan and Treatment Authorization Form, Section 504 plan, or individualized education program plan (IEP) (105 ILCS 5/22-30(b-10), amended by P.A. 100-726, eff. 1-1-19).
2. Administer a UEI to any student that the school nurse or *trained personnel* in good faith believes is having an anaphylactic reaction even though the parent/guardian has not completed and signed a *School Medication Authorization Form* or otherwise granted permission to administer the epinephrine injector. 105 ILCS 5/22-30(b-10)(iii). **Note:** *Trained personnel* are different than *any personnel authorized* in 1.b., above. 105 ILCS 5/22-

30(a), amended by P.A. 99-480. *Trained personnel* means any school employees or volunteer personnel who are (a) authorized in Sections 10-22.34, 10-22.34a, and 10-22.34b of the School Code, (b) annually trained online or in person to recognize and respond to anaphylaxis, an opioid overdose, or respiratory distress through a training curriculum developed by the Ill. State Board of Education (ISBE), and (c) submitting proof to their school's administration that they have completed: (i) the annual training, and (ii) a cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED) certification. 105 ILCS 5/22-30(a) and (g), amended by P.A. 100-726, eff. 1-1-19; 23 Ill.Admin.Code §1.540(e). The law does not provide a deadline for ISBE to complete this training curriculum.

3. Administer an UOA to any student that the school nurse or *trained personnel* in good faith believes is having an opioid overdose even though the parent/guardian has not completed and signed a *School Medication Authorization Form* or otherwise granted permission to administer the opioid antagonist. 105 ILCS 5/22-30(b-10)(iv), amended by P.A. 99-480. **Note:** *Trained personnel* are different than *any personnel authorized*. See number 2, directly above. 105 ILCS 5/22-30(a), amended by P.A.s 99-480 and 100-726, eff. 1-1-19. *Trained personnel* means any school employees or volunteer personnel who are (a) authorized in Sections 10-22.34, 10-22.34a, and 10-22.34b of the School Code, (b) annually trained online or in person to recognize and respond to opioid overdoses through a training curriculum developed by in compliance with the Alcoholism and Other Drug Abuse and Dependency Act, 20 ILCS 301/5-23, and (c) who have submitted proof to their school's administration that they have completed: (i) the annual training, and (ii) a cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED) certification. 105 ILCS 5/22-30(g), amended by P.A. 99-480; 23 Ill.Admin.Code §1.540(e). The law does not provide a deadline for a training curriculum, but it did require ISBE to develop a heroin and opioid prevention pilot program by Jan. 1, 2017. 105 ILCS 5/22-80, added by P.A. 99-480.
4. Administer UAM to any student that the school nurse or *trained personnel* in good faith believes is having respiratory distress even though the parent/guardian has not completed and signed a *School Medication Authorization Form* or otherwise granted permission to administer the asthma medication. 105 ILCS 5/22-30(b-10)(vii), amended by P.A. 100-726, eff. 1-1-19. See numbers 2 and 3, directly above for discussions between *any personnel authorized* and *trained personnel*.

- Assess how to manage requests from parents/guardians who wish to *opt-out* of the UEIs and/or OAs being available to their child.

The School Code does not provide a mechanism for a student or his or her parent/guardian to *opt-out* of the administration of the District's supply of UAM, UEIs, or UOAs when a nurse and/or trained personnel in good faith professionally believe a student is having an anaphylactic reaction or opioid overdose. While there may be religious, health, or other reasons that a student's parent/guardian may wish to *opt-out* of the administration of UAM, UEI, or UOA to their child, the law does not provide a way for parents/guardians to do so. Management of this issue should be discussed with the Board Attorney. For additional guidance on this issue, see Board policy 7:275, *Orders to Forgo Life-Sustaining Treatment*.

- Determine how to notify all parents/guardians about how UAM, UEIs, and/or UOAs may be provided or administered to students.

If the District maintains a supply of UAM, UEIs, and/or UOAs, it must notify parents/guardians of the protections from liability granted to it and the prescribing physician by 105 ILCS 5/22-30(c) and (c-5), amended by P.A. 100-726, eff. 1-1-19. There are two groups of

parents/guardians that the District must notify: (1) parents/guardians of students who have previously signed a *School Medication Authorization Form*, and (2) parents/guardians of all students.

For parents/guardians who have previously signed the *School Medication Authorization Form*, 105 ILCS 5/22-30(c), amended by P.A. 100-726, eff. 1-1-19, requires the District to provide additional notice that the physician(s)/individual(s) with prescriptive authority providing the standing protocol and prescription for the District's supply of UAM, UEIs, and UOAs are protected from liability, except for willful or wanton conduct arising from the use of UAM, UEI, or UOA regardless of whether authorization was given by the student, parent/guardian, or student's physician. Discuss with the Board Attorney whether to amend the District's form(s) to include this language.

For parents/guardians of all students, 105 ILCS 5/22-30(c), amended by P.A. 100-726, eff. 1-1-19, requires parents/guardians to be informed that: (1) the District maintains a supply of UAM, UEIs, and/or UOAs, and (2) the District and the prescribing physician(s)/physician assistant(s)/advanced practice registered nurse(s) are protected from liability when the school nurse and/or trained personnel administer UAM, UEI, and/or UOA to any student when these individuals in good faith professionally believe that the student is having an anaphylactic reaction. There are several methods to inform parent/guardians of this information, e.g., receipt of handbook signature, or see Exhibit 7:270-E1, *School Medication Authorization Form*. Discuss with the Board Attorney the method that works best for the District.

Adopted February 2019