

# ENROLLMENT(S)



COUNCIL OF THE DISTRICT OF COLUMBIA

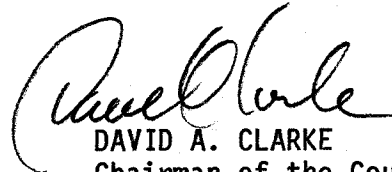
NOTICE

D.C. LAW 10-55

"Administration of Medication by Public School  
Employees Act of 1993".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 10-14 on first and second readings, July 13, 1993, and September 21, 1993, respectively. Following the signature of the Mayor on October 1, 1993, pursuant to Section 404(e) of "the Act", and was assigned Act No. 10-108, published in the October 15, 1993, edition of the D.C. Register, (Vol. 40 page 7219) and transmitted to Congress on October 5, 1993 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 10-55, effective November 20, 1993.

  
DAVID A. CLARKE  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

October 5,6,7,12,13,14,15,18,19,20,21,22,25,26,27,28,29

November 1,2,3,4,5,8,9,10,15,16,17,18,19

AN ACT

Codification

District of Columbia Code

D.C. ACT 10-108 ( 1994 Supplement)

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCT. 1, 1993

New Subchapter III,  
Chapter 24, Title 31

To authorize a public school employee, in the absence of licensed nurses, to administer medication to a student under specified circumstances and to immunize the public school employee from civil liability arising from the authorization or administration of medication.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Administration of Medication by Public School Employees Act of 1993".

Sec. 2. Definitions.

New, Section  
31-2431

For purposes of this act, the term:

- (1) "Administer" means:
  - (A) The direct application of medication to the human body whether by ingestion, inhalation, or topical means; and
  - (B) Subcutaneous and intramuscular injections in emergency circumstances only.
- (2) "General supervision" means:
  - (A) A registered nurse or licensed practitioner is available to the public school employee for consultation either in person or by a communication device; and
  - (B) The physical presence of the registered nurse or licensed practitioner is not required during the time medication is given to a student.
- (3) "Licensed nurse" means either a registered nurse or licensed practical nurse.
- (4) "Licensed practitioner" means a licensed physician, dentist, podiatrist, or advanced registered nurse.
- (5) "Medication" means a controlled or noncontrolled substance or treatment regarded as effective in bringing about recovery or restoration of health or the normal functioning of the body.
- (6) "Prescription" means an order for medication signed by a licensed practitioner or transmitted by the practitioner to a pharmacist by word of mouth, telephone, telegraph, or other means of communication and recorded in writing by the pharmacist.
- (7) "Principal" means the chief administrative officer of a public school.
- (8) "Student" means a minor student enrolled in a District of Columbia public school program or a nonemancipated adult student enrolled in a District of Columbia public school special education program.

Sec. 3. Administration of medication by a public school employee. New, Section  
31-2432

(a) Notwithstanding any other law, rule, or regulation, an employee of a public school who has been trained in accordance with section 5(c), pursuant to written authorization by the principal of a public school, may administer prescription or nonprescription medication to a student in compliance with the signed, written instructions of a licensed practitioner if:

(1) The parent, guardian, or other adult having care and charge of the student has administered the initial dosage to the student except in emergency circumstances requiring the administration of epipen;

(2) The parent, guardian, or other adult having care and charge of the student has hand-delivered the medication to the school;

(3) The parent, guardian, or other adult having care and charge of the student has consented to the administration of the medication in writing; and

(4) The employee is under the general supervision of a registered nurse or licensed practitioner pursuant to rules and regulations jointly promulgated by the District of Columbia Board of Education and the Department of Human Services.

(b) An employee of the District Government or the Board of Education who administers medication in accordance with this act, or authorizes, or performs general supervision of, or trains a public school employee in medication administration, shall be immune from civil liability arising from an act or omission in authorizing, supervising, training, or administering medication. An employee, shall not be immune from civil liability if the act or omission in authorizing, supervising, training, or administering medication is intentional or manifests a willful or wanton disregard for the health or safety of the student to whom the medication is administered. Neither the District Government nor the Board of Education shall be liable in circumstances where the employee is immune under this section, unless the conduct of the employee is gross negligence.

Sec. 4. Requirements for the licensed practitioner. New, Section  
31-2433

(a) The written instructions of the licensed practitioner shall state the name of the student, the diagnosis of the student, the name of the medication, the dosage, the time of administration, duration of medication, side effects of the medication, if any, the signature and telephone number of the licensed practitioner, and the date of the instructions.

(b) The medication shall be labeled as to state the name of the student, the name of the medication, the dosage, the time of administration, and the duration of medication.

Sec. 5. Rules and regulations for implementation of act. New, Section  
31-2434

(a) Within 60 days of the effective date of this act, the District of Columbia Board of Education and the District of Columbia Department of Human Services shall jointly issue rules and regulations to implement this act. The rules and regulations issued shall include procedures for:

(1) Obtaining and filing written instructions and consent required by this act;

(2) Periodic review of written instructions;

(3) Storage of medication;

(4) Recordkeeping;

(5) Initial and ongoing training of public school employees to administer medication;

(6) Administering medication in emergency or life-threatening circumstances in accordance with section 3(a)(1).

(7) Registered nurses or other licensed practitioners providing general supervision over District of Columbia public school employees.

(8) The identification of public school employees, in consultation with the school-based licensed nurse, who shall administer medication;

(9) The establishment of criteria for the selection, in consultation with the school-based licensed nurse, of employees at each public school who shall administer medication;

(10) The provision for the successful completion of training for public school employees pursuant to this act; and

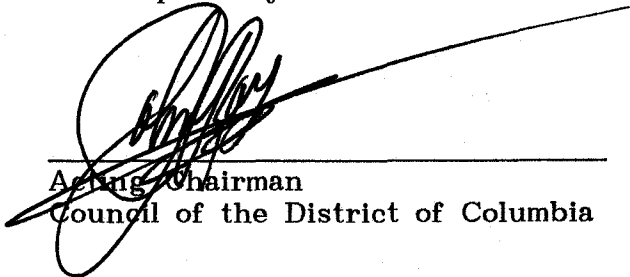
(11) The monitoring of public school employees who may administer medication to students.

(b) Training programs for all public school employees who may administer medication in accordance with this act, shall be developed and provided in collaboration with the District of Columbia Public Schools and the District of Columbia Department of Human Services.

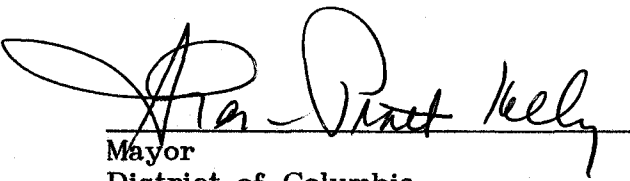
Sec. 6. Effective date.

(a) This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

(b) This act shall expire 2 years after its effective date.



Acting Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED: October 1, 1993



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD TEN

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 10-14

[X] Item on Consent Calendar

[X] ACTION & DATE: Adopted First Reading, 7-13-93

[X] VOICE VOTE: Approved

Recorded vote on request

Absent: Chavous

[ ] ROLL CALL VOTE: - RESULT ( / / )

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and 16 rows of member names (CHMN. RAY, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, SMITH, JR., THOMAS, SR.)

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

[Signature] Secretary to the Council

September 23, 1993 Date

[X] Item on Consent Calendar

[X] ACTION & DATE: Adopted Final Reading, 9-21-93

[X] VOICE VOTE: Approved

Recorded vote on request

Absent: Barry and Evans

[ ] ROLL CALL VOTE: - RESULT ( / / )

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and 16 rows of member names (CHMN. RAY, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, SMITH, JR., THOMAS, SR.)

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

[Signature] Secretary to the Council

September 23, 1993 Date

[ ] Item on Consent Calendar

[ ] ACTION & DATE:

[ ] VOICE VOTE:

Recorded vote on request

Absent:

[ ] ROLL CALL VOTE: - RESULT ( / / )

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and 16 rows of member names (CHMN. RAY, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, SMITH, JR., THOMAS, SR.)

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date