

ARTICLE XIV.
SCHOOL HEALTH SERVICES.
(Art. repealed and added July 15,
1957, P.L.937, No.404)

Section 1414.1. Possession and Use of Asthma Inhalers and Epinephrine Auto-Injectors.

(a) Each school entity shall develop a written policy to allow for the possession and self-administration by children of school age of asthma inhalers and epinephrine auto-injectors, and the prescribed medication to be administered thereby, in a school setting. The policy shall comply with section 504 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 794) and 22 Pa. Code Ch. 15 (relating to protected handicapped students). The policy shall be distributed with the code of student conduct required under 22 Pa. Code § 12.3(c) (relating to school rules) and made available on the school entity's publicly accessible Internet website, if any.

(b) The policy under this section shall require a child of school age that desires to possess and self-administer an asthma inhaler or epinephrine auto-injector in a school setting to demonstrate the capability for self-administration and for responsible behavior in the use thereof and to notify the school nurse immediately following each use of an asthma inhaler or epinephrine auto-injector. The school entity shall develop a system whereby the child may demonstrate competency to the school nurse that the child is capable of self-administration and has permission for carrying and taking the medication through the use of the asthma inhaler or epinephrine auto-injector. Determination of competency for self-administration shall be based on age, cognitive function, maturity and demonstration of responsible behavior. The school entity shall also restrict the availability of the asthma inhaler, the epinephrine auto-injector and the prescribed medication contained therein from other children of school age. The policy shall specify conditions under which a student may lose the privilege to self-carry the asthma inhaler, the epinephrine auto-injector and the medication if the school policies are abused or ignored. A school entity that prevents a student from self-carrying an asthma inhaler or epinephrine auto-injector and the prescribed medication shall ensure that they are appropriately stored at locations in close proximity to the student prohibited from self-carrying and notify the student's classroom teachers of the places where the asthma inhaler or epinephrine auto-injector and medication are to be stored and the means to access them.

(c) The policy under this section may include the following: Pennsylvania Public School Code of 1949, Article XIV School Health Services

(1) The requirement of a written statement from the physician, certified registered nurse practitioner or physician assistant that provides the name of the drug, the dose, the times when the medication is to be taken and the diagnosis or reason the medicine is needed unless the reason should remain confidential. The physician, certified registered nurse practitioner or physician assistant shall indicate the potential of any serious reaction that may occur to the medication, as well as any necessary emergency response. The physician, certified registered

nurse practitioner or physician assistant shall state whether the child is qualified and able to self-administer the medication.

(2) The requirement of a written request from the parent or guardian that the school entity comply with the order of the physician, certified registered nurse practitioner or physician assistant. The parent's note shall include a statement relieving the school entity or any school employe of any responsibility for the benefits or consequences of the prescribed medication when it is parent-authorized and acknowledging that the school entity bears no responsibility for ensuring that the medication is taken.

(3) The ability of the school entity to reserve the right to require a statement from the physician, certified registered nurse practitioner or physician assistant for the continued use of any medication beyond a specified time period. The school entity shall also require updated prescriptions and parental approvals on an annual basis from the pupil.

(d) As used in this section, "school entity" means a school district, intermediate unit, charter school or area vocational-technical school.

(e) Nothing in this section shall be construed to create, establish or expand any civil liability on the part of any school entity or school employe.

(f) Within one hundred twenty (120) days of the effective date of this subsection, the Department of Health in coordination with the Department of Education shall provide technical assistance and resources and publish information on the Department of Health's publicly accessible Internet website regarding the administration of medication for allergies by persons employed by a school entity, including the following:

(1) Proper use of epinephrine devices.

(2) The importance of following the school entity's student services plan required under 22 Pa. Code § 12.41 (relating to student services) and its responsibilities to comply with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and 22 Pa. Code Ch. 15.

(3) Recognition of the symptoms of a severe allergic reaction.

(4) Requirements for proper access, storage and security of student medications.

(5) Notification of appropriate persons following administration of medications.

(6) Recordkeeping.

(1414.1 amended Nov. 17, 2010, P.L.996, No.104)

Compiler's Note: Section 24 of Act 104 of 2010, which amended section 1414.1, provided that any regulations that are inconsistent with Act 104 are hereby abrogated to the extent of the inconsistency.