

Publication Date: December 28, 2010
Effective Date: December 28, 2010 through May 26, 2011

**ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
ADOPTING EMERGENCY RULES**

The state superintendent of public instruction hereby creates ch. PI 46, relating to training requirements for individuals administering nonprescription and prescription drug products to pupils.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statute interpreted: s. 118.29 (6), Stats.

Statutory authority: ss. 118.29 (6) and s. 227.11 (2) (a), Stats.

Explanation of agency authority:

Section 118.29 (6), Stats., requires the department to approve training in administering nonprescription drug products and prescription drugs. The administrative rule provides the specifics of the department's medication training requirements.

Section 227.11 (2) (a), Stats., gives an agency rule-making authority to interpret the provisions of any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of the statute.

Related statute or rule: N/A.

Plain language analysis:

2009 Wisconsin Act 160 requires the department to approve training in administering nonprescription drug products and prescription drugs to pupils by school personnel or volunteers.

The rules require individuals who administer medications to pupils under s. 118.29, Stats., to have medication *skill* training annually and medication *knowledge* training biennially. The rules require the *skill* training to be documented by a school nurse, medical provider or adequately trained parent but do not specify what entity must provide the training. In addition, the rules do not specify what entity must provide the *knowledge* training only that it must be approved by the department.

Emergency rules may be promulgated prior to March 1, 2001, the effective date of the Act's provisions

Summary of, and comparison with, existing or proposed federal regulations: N/A.

Comparison with rules in adjacent states:

Illinois, Iowa, Michigan, Minnesota do not have rules relating to medication administration training requirements.

Summary of factual data and analytical methodologies:

To determine the training requirements related to medication administration, the Department first reviewed examples of such training from other states and school districts. The Department's drafts of training requirements were then reviewed by experts in the field including the Wisconsin Association of School Nurses, Wisconsin Department of Health Services public health nursing program, pharmacists and medical doctors. Suggestions from these groups helped to shape the final proposed training requirements. Guidelines for medication training follow similar frequency in other areas of healthcare such as use cardiopulmonary resuscitation and automated defibrillation by unlicensed assistive personnel.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report: N/A.

Anticipated costs incurred by private sector: N/A.

Effect on small business:

The rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

Agency contact person: (including email and telephone)

Doug White, Director, Student Services/Prevention and Wellness, at douglas.white@dpi.wi.gov

Place where comments are to be submitted and deadline for submission:

The department will publish a hearing notice in the *Administrative Register* which will include this information.

SECTION 1. Chapter PI 46 is created to read:

CHAPTER PI 46

TRAINING REQUIREMENTS FOR INDIVIDUALS ADMINISTERING NONPRESCRIPTION AND
PRESCRIPTION DRUG PRODUCTS TO PUPILS

PI 46.01 Purpose. (1) This chapter establishes training requirements for individuals administering nonprescription and prescription drug products to pupils under s. 118.29, Stats.

(2) Individuals affected by this chapter are specified under s 118.29 (2), Stats., and are as follows:

(a) A school bus operator validly authorized under ss. 343.12 and 343.17 (3) (c) to operate the school bus he or she is operating.

(b) Any school employee or volunteer, county children with disabilities education board employee or volunteer or cooperative educational service agency employee or volunteer authorized in writing by the administrator of the school district, the board or the agency, respectively, or by a school principal.

(b) Any private school employee or volunteer authorized in writing by a private school administrator or private school principal.

(c) Any tribal school employee or volunteer authorized in writing by a tribal school administrator or tribal school principal.

PI 46.02 Definitions. In this chapter:

(1) “Administer” has the meaning defined under s. 118.29 (1) (a), Stats.

(2) “Assistive personnel” means individuals under s. PI 46.01 (2) that do not hold a health care license.

(3) “Department” means the Wisconsin department of public instruction.

(4) “Drug” has the meaning defined in s. 118.29 (1) (b), Stats.

(5) “Drug product” has the meaning defined in s. 118.29 (1) (bg), Stats.

(6) “Enteral medication” means a route of medication administration by which a substance enters the body through the digestive system.

(7) “Nonprescription drug product” has the meaning defined in s. 118.29 (1) (dm), Stats.

(8) “Ostomy” means a route of medication administration through a surgical opening in which the gastrointestinal wall is brought to the surface of the skin forming a stoma.

(9) “Parenteral medication” means a route of medication administration by which a substance enters the body through any other route than the digestive system. This includes, but is not limited to the administration of topical, inhaled, eye, ear, epinephrine, glucagon, and rectal diazepam medications.

(10) “School board” has the meaning defined in s. 115.001 (7), Stats.

(11) “School district” has the meaning defined in s. 115.01 (3), Stats.

(12) “School nurse” has the meaning defined in s. 115.001 (11), Stats.

PI 46.03 General. (1) Individuals specified under s. PI 46.01 (2), allowed to administer a nonprescription drug product or prescription drug under s. 118.29 (2) (a) 1. or 2., Stats., use an epinephrine auto-injector under s. 118.29 (2) (a) 2m, Stats., or administer glucagon under s. 118.29 (2) (a) 2r., Stats., shall receive the training prescribed under this chapter prior to the administration of such medication to pupils.

(2) This chapter does not apply to health care professionals.

PI 46.04 Training requirements. Any school board, county children with disabilities education board, cooperative educational service agency or governing body of a private school or tribal school whose employees or volunteers under s. PI 46.01 (2) may be authorized to administer nonprescription drug products or prescription drugs to pupils under s. PI 46.03 (1) shall provide for the following training prior to the administration of any medication to pupils:

(1) Medication skill training. Annually, prior to the initiation of medication administration, ensure the individuals under this section can adequately demonstrate the administration of each parenteral and ostomy route that they are assigned to deliver as documented by a school nurse, medical provider or willing, adequately trained parent.

(2) Medication knowledge training. (a) Prior to the initiation of medication administration to a pupil, and biennially thereafter, ensure the individuals under this section are knowledgeable in all of the following subjects:

1. State and federal laws and local medication policies under s. 118.29 (4), Stats., relating to medication administration.
2. Critical hand washing periods and procedures.
3. The roles of assistive personnel, school nurses, parents and medical providers.
4. The confidentiality of patient health care records required under s. 146.82, Stats.
5. The following guidelines of medication administration: the right pupil, the right medication, the right dose, the right time, and the right route.
6. Medical terminology related to medication administration.
7. Effective documentation of medication administration.
8. The identification of medication errors and the need to document all errors.
9. The skills necessary for pupils to successfully self-administer medication in the school setting.
10. Proper procedures for oral and non-oral medication administration routes, including all enteral, parenteral and ostomy routes they will administered at school.

(b) 1. The curriculum used to implement the provisions under par. (a) shall be submitted to the department for approval by February 1, 2011, unless department curriculum is used in which case department approval is not necessary.

2. The curriculum under par. (b) shall be re-submitted to the department for approval any time the curriculum is modified.

FINDING OF EMERGENCY

The Department of Public Instruction finds an emergency exists and that a rule is necessary for the immediate preservation of the public welfare. A statement of the facts constituting the emergency is:

Section 118.29 (6), Stats., requires the department to approve training in administering nonprescription drug products and prescription drugs. The statute also specifies that no school bus driver, employee, or volunteer may administer a nonprescription drug product or prescription drug, use an epinephrine auto-injector, or administer glucagon unless he or she has received such training. Because the statutory requirement becomes effective March 1, 2011, administrative rules must be in place as soon as possible so that training programs can be established prior to the effective date of the statutes.

The rules contained in this order shall take effect upon publication as emergency rules pursuant to the authority granted by s. 227.24, Stats.

Dated this 28th day of December, 2010

Tony Evers, PhD
State Superintendent