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**NEWS RELEASE**



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**\*\*\* MEDIA STATEMENT \*\*\***

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**THE AMERICAN NURSES ASSOCIATION, ANA/CALIFORNIA, AND THE CALIFORNIA SCHOOL NURSES ORGANIZATION WIN CASE ENFORCING THE CALIFORNIA NURSING PRACTICE ACT IN ADMINISTERING INSULIN TO STUDENTS WITH DIABETES IN CALIFORNIA'S K-12 PUBLIC SCHOOLS**

**SILVER SPRING, MD** – The American Nurses Association (ANA) achieved a major victory in a California Superior court today by obtaining a court order to stop the unlawful use of unlicensed personnel to administer insulin to school children in California. Judge Lloyd G. Connelly issued a ruling in the legal case, *American Nurses Association, et al vs. Jack O'Connell, State Superintendent of Public Instruction, et al* immediately following an oral argument in which he stated that the Nursing Practice Act in California is the specific statute that governs the scope of nursing practice and that the issuance of a California Department of Education directive that was contrary to that Act cannot be implemented. Judge Connelly stated that the Department of Education does not have concurrent authority over the administration of medications and cannot override the Nursing Practice Act. Only persons specifically authorized to administer insulin are allowed to do so. The court gave deference to the interpretation of the California Board of Registered Nursing which was consistent with ANA's view. The court further held that federal law does not preempt state law. The judge declared that the actions of the Department of Education violated the state's Administrative Procedure Act by failing to publish for notice and comment the legal advisory that attempted to permit unlicensed personnel to administer insulin.

“Our faith in the judicial system has been well placed, because the judge recognized that the scope of practice for registered nurses is established by the Nursing Practice Act, with oversight by the Board of Registered Nursing. We are pleased that the judge specifically stated that the Department of Education did not have authority to re-define the scope of practice for registered nurses, even regarding issues that arise in the schools.” remarked ANA President Rebecca M. Patton, MSN, RN, CNOR.

“This is a victory for all registered nurses, because ANA and its co-plaintiffs, ANA/C and CSNO, have established that state agencies cannot play fast and loose with the scope of practice for nurses. This is especially important when we are trying to prevent unlicensed personnel from administering insulin when that is not permitted by state law. The children of California deserve the best health care and ANA has helped them achieve that,” said ANA Chief Executive Officer Linda J. Stierle, MSN, RN, NEA-BC.

ANA and its co-plaintiffs, ANA/C and CSNO, fully support students’ rights to public education and appropriate accommodations for their health needs. ANA contends, however, that the California school system must comply with local laws in providing reasonable accommodations. The Nursing Practice Act specifies who may administer medication, and the exceptions to that are specifically delineated.

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*The ANA is the only full-service professional organization representing the interests of the nation's 2.9 million registered nurses through its 54 constituent member nurses associations, its 23 organizational affiliates serving 330,000 members of national nursing specialty organizations, and its workforce advocacy affiliate, the Center for American Nurses. The ANA advances the nursing profession by fostering high standards of nursing practice, promoting the rights of nurses in the workplace, projecting a positive and realistic view of nursing, and by lobbying the Congress and regulatory agencies on health care issues affecting nurses and the public.*

