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NEWS RELEASE



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**LEGAL VICTORY FOR ANA, SCHOOL NURSES, AND THE PATIENTS WE SERVE
AS CALIFORNIA APPELLATE COURT UPHOLDS DECISION TO RECOGNIZE
CALIFORNIA NURSING PRACTICE ACT**

SILVER SPRING, MD – The American Nurses Association (ANA), the nation’s largest nursing organization, is pleased to announce a significant victory on the issue of allowing unlicensed personnel to administer insulin in California schools. The California Court of Appeal, Third Appellate District upheld the decision of the trial court that allowing unlicensed school personnel to administer insulin violated California laws, including the California Nursing Practice Act.

“This is a victory for patient safety. ANA and our state member, ANA/California, undertook this case with the California School Nurses Organization, to assure that the schools provide safe health care by licensed nurses to diabetic students, which is what the law requires. Budget woes cannot excuse compliance with the nurse practice act and the student’s right to a public education in a setting that accommodates their health needs,” said ANA President Rebecca M. Patton, MSN, RN, CNOR. “We are gratified the higher court has affirmed the lower court’s ruling. ANA remains deeply committed to ensuring safe, quality healthcare for students and our continued support for the California Nursing Practice Act in its intent to protect the public.”

In its decision, the appellate court stated, “While we can guess that funding of the required services may be difficult for schools in these economic times, we have no evidence that such difficulties cannot be overcome in order to meet the requirements of federal [disability] law.”

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In his ruling of December 2008, Judge Lloyd Connelly made it clear that the State Board of Education does not have the authority to decide who is qualified to administer medications, nor can it supersede the current Nursing Practice Act, which defines administration of medication as a nursing function that cannot be performed by unlicensed individuals, except in certain circumstances. The appellate court agreed with that analysis. In addition, the appellate court stated that “California’s legislative choice to protect the health and safety of the state’s children who suffer from diabetes by limiting the administration of insulin injections at school to licensed individuals” cannot be preempted.

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The ANA is the only full-service professional organization representing the interests of the nation's 3.1 million registered nurses through its constituent member nurses associations, its organizational affiliates, 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.