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Medication Administration Assistance in California

Frequently asked questions and a sample checklist providing local educational agencies with helpful information that may be given to parents and guardians when children need to take medication at school.

Frequently Asked Questions

Question:

Can unlicensed school personnel administer medication like insulin or rectal diastat to K-12 students in California public schools?

Answer: No¹. California law states², with a few clearly specified legal exceptions, that only a licensed nurse or physician may administer medication. In the school setting, these exceptions are situations where:

- The student self-administers the medication;
- A parent or parent designee, such as a relative or close friend, administers the medication³; or
- There is a public disaster or epidemic.⁴

The Legislature has enacted only two statutes that authorize unlicensed school personnel to be trained and supervised in order to administer two specific medications in medical emergencies:

- Under the supervision of a school nurse or physician designee, an unlicensed school employee may administer epinephrine via auto-injector;⁵ and
- Under the supervision of a school nurse, physician, registered nurse, or public health nurse, an unlicensed school employee may administer glucagon.⁴

In accordance with *Education Code (EC)* sections 49414 and 49414.5, an unlicensed school employee could "administer" either epinephrine via auto-injector directly into a student suffering anaphylaxis or glucagon via needle and syringe directly into a student suffering from severe hypoglycemia. No other California statute allows an unlicensed school employee to administer any other medication in California public schools, even if the unlicensed school employee is trained and supervised by a school nurse or other similarly licensed nurse.

EC Section 49423 permits the school nurse or other designated school personnel to "assist" students who must "take" medication during the school day that has been prescribed for that student by his or her physician. The terms "assist" and "administer" are plainly not synonymous. An example of an unlicensed school employee "assisting" a student pursuant to *EC* Section 49423 would be when the school secretary removes the cap from the medication bottle, pours out the prescribed dose into a cup or a spoon, and hands the cup or spoon to the student, who then "takes" or self-administers the required medication. There is no clear statutory authority in California permitting that same unlicensed school employee to "administer" insulin, diastat, or any other parenteral² medication, with the above-stated statutory exception of epinephrine via auto-injector and glucagon.

¹ A student with an individualized education program (IEP) or Section 504 plan who requires medication during the school day is entitled to receive such medication in accordance with his or her written plan (*California Code of Regulations*, Title 5, Section 610[d]). The information provided here may serve as a guide to local educational agencies in administering medications to students with IEPs and Section 504 plans as long as this guidance does not conflict with the student's individually determined plan.

²California *Business and Professions Code (Nursing Practice Act (NPA))* sections 2725 and 2727 and *California Education Code*

(EC) Section 49423.

³NPA Section 2727(a) states that parents and other relatives or close friends may administer medication, which is defined as “gratuitous nursing.”

⁴NPA Section 2727(d) states that a district not having a school nurse does not qualify as a “public disaster.”

⁵EC Section 49414

⁶EC Section 49414.5

⁷Parenteral means any medication administration route other than oral.

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