

AN ACT

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Columbia
Official Code*

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To permit a student with a valid medication action plan to possess and self-administer asthma or anaphylaxis medications while at school, at school-sponsored activities, and while on school-sponsored transportation, to permit a trained school employee or agent to administer medication to a student with a valid medication action plan, to permit a trained school employee or agent to administer medication to any student in emergency circumstances, in accordance with a doctor’s standing order, to require schools to maintain student medical records in an easily accessible location, to allow schools to store additional medication for self-administering students, to prohibit the misuse of self-administered medications, and to require the Mayor to promulgate rules to implement the provisions of this act; and to repeal the Administration of Medication by Public School Employees Act of 1993.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Student Access to Treatment Act of 2007”.

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) “Emergency circumstances” means reasonably apparent circumstances that indicate that any delay in treatment would endanger the health or life of the student.
- (2) “Medication” means any prescription or non-prescription drug used to treat conditions and illnesses covered by this act.
- (3) “Medication action plan” means a written medical treatment plan for an individual student that is developed and submitted to a school in accordance with section 4.
- (4) “Responsible person” means, in the case of a student under 18 years of age, a parent, legal guardian, legal custodian, foster parent, or other adult charged with the ongoing care and supervision of the student, and, in the case of a student 18 years of age or older, the student himself or herself.
- (5) “School” means:
 - (A) Any public school operated under the authority of the Mayor of the

District of Columbia; and

(B) Any charter school, parochial school, or private school in the District.

Sec. 3. Possession and self-administration of medication.

A student may possess and self-administer medication at the school in which the student is currently enrolled, at school-sponsored activities, and while on school-sponsored transportation, in order to treat asthma, anaphylaxis, or other illness; provided, that:

- (1) The responsible person has submitted a valid medication action plan to the school; and
- (2) All other conditions set forth in this act are met.

Sec. 4. Medication action plan.

(a) A valid medication action plan shall include:

- (1) Written medical authorization, signed by a licensed health practitioner, that states:
 - (A) The name of the student;
 - (B) Emergency contact information for the responsible person;
 - (C) Contact information for the licensed health practitioner;
 - (D) The name, purpose, and prescribed dosage of the medication;
 - (E) The frequency that the medication is to be administered;
 - (F) The possible side effects of the medication as listed on the label;
 - (G) Special instructions or emergency procedures; and
 - (H) In the case of self-administered medication, confirmation that the student has been instructed in the proper technique for self-administration of the medication and has demonstrated the ability to self-administer the medication effectively.
 - (2) Written authorization, signed by the responsible person, that states:
 - (A) A trained employee or agent of the school may administer medication to the student in accordance with rules established by the Mayor; or
 - (B) In the case of self-administration, the student may possess and self-administer the medication at the school in which the student is currently enrolled, at school-sponsored activities, and while on school-sponsored transportation; and
 - (C) The name of the student may be distributed to appropriate school staff, as determined by the principal; and
 - (3) Written acknowledgment that the District, a school, or an employee or agent of a school shall be immune from civil liability for the good-faith performance of responsibilities under this act; except, that no immunity shall extend to criminal acts, intentional wrongdoing, gross negligence, or wanton or willful misconduct.
- (b) Immediately following any changes regarding the health or treatment of the student,

the responsible person shall submit to the school an amended medication action plan.

(c) The medication action plan shall be updated at least annually, in accordance with a schedule determined by the Mayor.

Sec. 5. Medication administration training program.

(a) By July 1, 2008, the Mayor shall develop and implement a medication administration training program, which shall provide training and certification of employees and agents of a school to:

(1) Administer medication to students with valid medication action plans who are not authorized to possess that medication or are not competent to self-administer the medication; and

(2) Administer medication in emergency circumstances to any student suffering an acute episode of asthma, anaphylaxis, or other illness.

(b) All training provided pursuant to subsection (a) of this section shall be conducted by a health-care professional licensed in the District of Columbia.

(c) A health-care professional shall provide a school with written certification of successful completion of the training for each employee or agent of the school. The certification shall be valid for 3 years.

Sec. 6. Administration of medication.

An employee or agent trained and certified pursuant to section 5 may administer medication to a student with a valid medication action plan; provided, that:

(1) The responsible person has delivered the medication to be administered to the school;

(2) The employee or agent is under the general supervision of licensed health practitioner; and

(3) Except in emergency circumstances, the responsible person has administered the initial dose of a new medication.

Sec. 7. Administration of medication in emergency circumstances.

(a) No employee or agent of a school shall administer medication in emergency circumstances to any student unless he or she has been trained and certified pursuant to section 5.

(b) The Mayor shall obtain a standing order signed by at least one practicing physician licensed in the District that identifies the specific medications that may be administered in emergency circumstances and provides appropriate administration instructions.

(c) A student need not have a known diagnosis or a medication action plan to receive treatment in emergency circumstances from a trained employee or agent of the school.

(d) The Mayor shall develop a procedure by which the responsible person may request that a minor student not receive treatment in emergency circumstances.

Sec. 8. Posting of emergency response information.

By July 1, 2008, the Mayor shall develop a standardized form for posting emergency response information. The information shall be posted in all schools and shall include:

- (1) An explanation of the symptoms and possible consequences of conditions covered by this act;
- (2) The names of all the employees or agents of the particular school who are trained and certified to administer medication in emergency circumstances; and
- (3) The emergency response steps, as identified by the Mayor, to be taken by the school.

Sec. 9. Maintenance of records.

(a) A school shall keep the medication action plans in the school health suite or other designated, easily accessible location.

(b) A school shall create and maintain a list of students with valid medication action plans, including the emergency contact information for each student. The principal of the school may distribute the list among appropriate employees or agents of the school.

(c) A school shall maintain accurate records of all its employees and agents who are certified to administer medication.

(d) A school shall maintain accurate records of all incidents where medication was administered to a student in an emergency circumstance.

Sec. 10. Storage of medication.

(a) A school may procure medication for the treatment of asthma, anaphylaxis, or other illness for use in emergency circumstances. The medication shall be properly stored and maintained in an easily accessible location.

(b)(1) A school may receive medication to store for the treatment of asthma, anaphylaxis, or other illness from the responsible person for a student with a valid medication action plan.

(2) The medication shall be:

(A) Properly stored at the school in a location to which the student has immediate access in case of an emergency; and

(B) Labeled with the:

- (i) Name of the student;
- (ii) Name of the medication;
- (iii) Dosage;
- (iv) Time of administration; and
- (v) Duration of medication.

(3) No school shall be required to store more than a 3-school-day supply of

medication for any one student.

Sec. 11. Misuse.

(a) A school may deny a medication action plan pursuant to terms established by the Mayor.

(b) A student who self-administers medication while at school, at a school-sponsored activity, or while on school-sponsored transportation for a purpose other than his or her own treatment may be subject to disciplinary action by the school; provided, that disciplinary action shall not limit or restrict the access of a student to his or her prescribed medication. The school shall promptly notify the responsible person of any disciplinary action imposed.

Sec. 12. Liability.

The District, a school, or an employee or agent of a school shall be immune from civil liability for the good-faith performance of responsibilities under this act; except, that no immunity shall extend to criminal acts, intentional wrongdoing, gross negligence, or wanton or willful misconduct.

Sec. 13. Rules.

(a) The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act.

(b) The Mayor may establish, by regulation, additional types of medication that a student may self-administer and other illnesses for which a student may self-administer medication other than those provided in this act.

(c) All existing rules and regulations promulgated pursuant to the Administration of Medication by Public School Employees Act of 1993, effective November 20, 1993 (D.C. Law 10-55; D.C. Official Code § 38-631 *et seq.*), shall remain in effect until rules promulgated pursuant to this act become effective.

Sec. 14. Repealer.

The Administration of Medication by Public School Employees Act of 1993, effective November 20, 1993 (D.C. Law 10-55; D.C. Official Code § 38-631 *et seq.*), is repealed.

**Repeal
§§ 38-631 -
38-634**

Sec. 15. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

Sec. 16. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia