



**Legal and Practical Issues:
Case Studies for School Nurses**



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Case Study Approach

Rather than simply review relevant statutes, I will present some common or possible scenarios that a nurse will encounter during the school day – case studies – to generate conversation and illustrate important legal concepts and guidelines.




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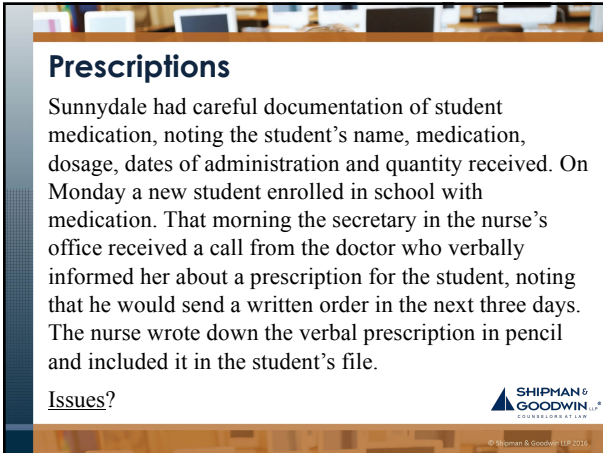
First Case Study

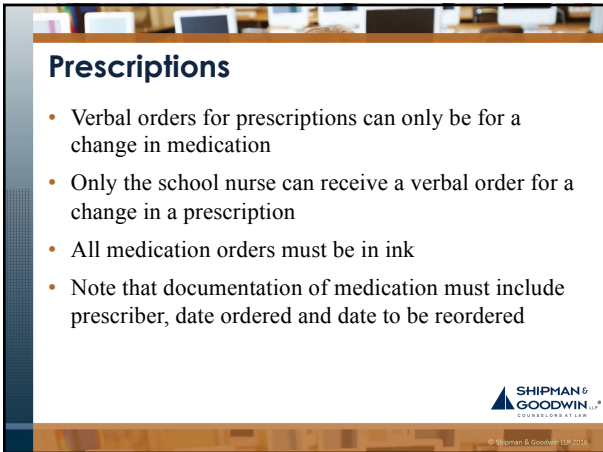
Another typical day at Sunnydale Elementary School. All students have presented proof of vaccination, prescription medications were securely stored and accounted for, with all prescriptions up to date. There was a question concerning one prescription, but after a quick call, the doctor immediately came to the phone and clarified the confusion. Routine vision exams started a few minutes late, as a parent had called to thank the nurse for informing her about a minor issue with her child the day before.



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Administration of Medication

In the busy Sunnydale nurse’s office, the district had employed a nursing student as a paraprofessional who worked under the watchful eye of the school nurse. As the nurse paraprofessional gained experience and expertise, the school nurse allowed the paraprofessional to administer medication to some students under her general supervision. The school nurse was sure to include her written order for the administration of medication in the file of the paraprofessional.


Issues?



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Administration of Medication

- CGS 10-212a does provide that a school paraprofessional can administer medication under “general supervision.”
- Need a written order of a qualified medical professional, a school nurse, school medical advisor and
- The written authorization of the student’s parent or guardian




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Epinephrine Administration

Sunnydale’s physical education teacher and basketball coach was a “qualified school employee” pursuant to CGS 10-212a, as he had received training to administer epinephrine in 2015. He and the school nurse’s schedule were always coordinated so that one of them was always on school grounds. On Tuesday, however, the coach was out sick and, since the nurse’s work day ended ten minutes after the end of the student day and the assistant basketball coach was not trained to administer epinephrine, basketball practice had to be cancelled.

Issues?



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Epinephrine Administration

- Qualified school employees may administer epinephrine to students in the absence of the school nurse
- No qualified school employee can administer epinephrine unless he/she annually completes the training program
- There shall be at least one qualified school employee on school grounds in the absence of the school nurse during regular school hours

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Antiepileptic Medication

The parents of a student with epilepsy had authorized a non-nurse employee selected by the school administration to administer antiepileptic medication. The school nurse was responsible for the general supervision of the employee, and ensured that the school employee annually completed the appropriate training program. Finally, the employee understood that he was no administer the medication only in the absence of the school nurse.

Issues?

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Antiepileptic Medication

- Written authorization by student’s parent and pursuant to written order from a physician, a qualified school employee can administer antiepileptic medication.
- Nurse must attest that annual training has been completed.
- School employee must receive monthly reviews by he school nurse
- Employee must voluntarily agree to serve in this capacity


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Immunizations

Just prior to the start of the school year, a new family moved into town and sought to enroll their twins in the Sunnydale preschool. But when the school nurse requested a record of the children’s immunizations, the parents responded that they don’t “believe” in vaccines. According to the mom, the first time one of the twins was vaccinated he developed a rash, so she stopped having her children vaccinated. Despite the children not having a record of immunization, the mom insisted on having her children enrolled at the preschool.


Issues?



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Immunizations

- Each Board of Education shall require each child to be immunized before being permitted to enroll in any program operated by a public school
- Presents a certificate from a physician, physician assistant or advanced practice nurse that the immunization is contraindicated
- Presents a statement from parent or guardian that such immunization is contrary to the religious beliefs of the child or parent/guardian




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Mandated Reporter

In course of performing a screening on a student, the school nurse noticed some suspicious looking bruises. In addition, the student’s explanation for the bruises didn’t seem to make sense. Pursuant to the school’s policy, the nurse verbally reported her concerns to the principal. A week later the student was hospitalized when he suffered an injury. Noticing the same marks that the nurse had, the hospital made a DCF report. During the investigation it turns out that principal had not made a DCF report as he was still investigating the nurse’s concerns. Since she had reported her concerns to the principal, the nurse breathed a sign of relief.

Issues?



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Mandated Reporter

- School nurse is a mandated reporter. Mandated reporters have an individual responsibility to report suspicion of abuse or neglect to DCF.
- Verbal reports must be made within 24 hours to DCF
- Any person required to report pursuant to CGS 17a-101a who fails to make a report within the statutory time period is guilty of a Class A misdemeanor (or a Class E felony)

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Sexual Activity

It was an eventful week at the Sunnydale Middle-High School. First a 15 year old student reported to the school nurse that she was pregnant and her 20 year old boyfriend was the father. The next day the school nurse learned that a 13 year old special education student had a venereal disease and, while she was seeking treatment, was insistent that her parents not be informed.

Issues?

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Sexual Activity

- Must report sexual activity if student is under 13 years old, sex with family member or have been molested, sex is non-consensual or child does not have capacity to consent, or child is under the age of 16 and partner is 21 or older
- Student entitled to confidentiality concerning venereal disease and parental consent not required for examination and treatment


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Drug and Alcohol Use

After Homecoming weekend a student disclosed in confidence to the school nurse that she had got wasted over the weekend, smoking weed and drinking until she passed out. To prove that she wasn't making this up, the student showed the nurse the marijuana that she had in her purse. The nurse told the student that she could get into trouble if someone caught her with that in school. Since the student had confided in her, the nurse took the marijuana from the student and disposed of it, making the student promise to stop bringing it to school.


Issues?



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Drug and Alcohol Use

- Pursuant to CGS 10-154a, a professional employee is not required to disclose any information about drug or alcohol abuse if information is voluntarily disclosed in confidence during a professional communication with a student.
- If a professional employee obtains physical evidence from a student indicating that a crime has been committed, the employee is required to turn the evidence over to the school administration or law enforcement officials within two days.




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FERPA

The second grade teacher at Sunnydale was a bit of a germ-a-phobe, always worried about catching something from his students. In order to minimize the chances of getting sick, on a weekly basis he would check with the nurse on whether any of his students had reported any illnesses or conditions to the nurse, and whether or not their immunizations were up to date. Since the request was limited to his students, as opposed to students in other classes, the nurse would share this information with the teacher.


Issues?



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FERPA

- Student medical records are educational records under FERPA (related to student and maintained by school district)
- Written consent of parent required before records can be disclosed
- Can be disclosed without consent in event of health and safety emergency
- Can be shared with school officials who have a legitimate educational interest in the information


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 **Questions?**



Thank you for the opportunity to speak to you today.

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