



Laws, Rules, and Health Oh My!



Review of laws and rules related to
health for public schools



Diabetes

- Title 70 Section 1210.196.7 – requires schools to develop diabetes management plans at school or while participating in a school activity that includes:
 - blood glucose checks
 - administering insulin
 - treating hypoglycemia and hyperglycemia
 - allowing diabetic students to carry their own equipment
 - provide a trained person to administer to the health needs of a diabetic student
 - provide a private area for the diabetic student to attend to the management and care of their disease

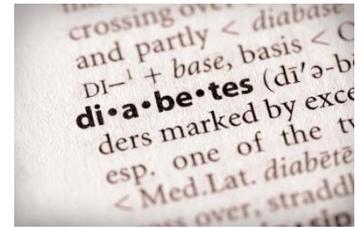


Diabetes

- Title 70 Section 1210.196.7 continued
 - School nurses at each school with a student diagnosed with diabetes shall assist the student with the management of their diabetes according to the directives of the diabetes medical management plan for the student
 - If there is no school nurse assigned the principal shall make an effort to who will volunteer to serve as the diabetes care assistant
 - The school will ensure that the school nurse or diabetes care assistant is available at the school to assist the student with diabetes
 - The school nurse or diabetes care volunteer shall at all times have access to a physician
 - Those providing care for the student with diabetes shall demonstrate **annual** competency in the training required by this law



Diabetes



- Title 70 Section 1210.196.7 continued
 - The school nurse, principal, or a designee of the principal shall maintain a copy of the training records associated with the training
 - Allow the student to possess own supplies or equipment necessary to monitor and care for the diabetes
 - Allow management and of care of diabetes in the classroom, in any area of the school or school grounds, or at any school related activity



Vision Screening



- State Laws
 - Title 70 Section 1210.284 – **requires parents** to provide schools with documentation that their child has received a vision screening before entering kindergarten, first, and third grades.
 - Oklahoma vision screening rules can be found at <http://www.ok.gov/health/documents/VisionScreeningRules.pdf>
 - Vision screeners must complete an approved vision screening training course and must be approved to provide vision screening through the Oklahoma State Department of Health
 - Vision screeners must be retrained every three (3) years with an approved curriculum and approved by the Oklahoma State Department of Health
 - The Oklahoma State Department of Health is responsible for maintaining a current listing of approved vision screeners





Vision Screening

- Annual reporting to the Oklahoma State Department of Education is required
 - Reports include:
 - The number of students in kindergarten, first and third grades screened
 - The number of students in those designated grades who received referrals
 - The number of students who received treatment (professional eye examination and correction of a vision problem)



Medication

- Title 70 Section 1-116.2
 - Administration of Medication in schools.
- Title 70 Section 1-116.3
 - School districts will establish policies that allow students to carry and self-administer asthma and anaphylaxis medication.



Medications

- The Oklahoma Medical Practice Act does not allow those who are not licensed physicians to make a medical diagnosis or treat a medical condition.
 - If your school keeps stock supplies of over the counter (OTC) medications and you dispense that medication without written permission from the parent, you are making a medical diagnosis and dispensing medication to treat that diagnosis. **This practice is in violation of the Oklahoma Medical Practice.**



Medications

- If you have general, physician-signed written protocols for administering OTC medications you are in violation of the Medical Practice Act for diagnosing and distributing medications
- If you have written protocols that are signed by an individual student's physician or written guidelines from the parent for administering OTC medications then you can give stock items
- If you allow parent/guardian to purchase OTC medications for their child and they have written and signed specific guidelines to administer that medication from their container you are covered. Only that child is able to use that medication from that container according to the specifications of the parent
- It is permissible for a school to purchase medication and give **if** a parent signs permission **and** gives specific written guidelines for when to give that OTC medication



Medications

- If you or your staff administer medications classified as controlled substances under the federal and state Drug Enforcement Acts, develop district policies and procedures to ensure appropriate storage and handling of those medications.





Medications

- Develop district policies and procedures regarding the handling and storage of controlled substances then follow those policies.
 - Have policies reflect the Code of Federal Regulations.
 - Have policies that reflect the number of people per site with access to controlled substances.
 - Develop procedures for two persons weekly (at a minimum – daily counts for best practice) witnessed count with one person not responsible for administering the medication doing the counting. Medication counts must be documented in writing.
 - Notify legal authorities (Police and in some cases the Oklahoma Bureau of Narcotics and Dangerous Drugs) when controlled substance counts show missing meds.



Medications



Not in
The Toilet



Not in
The Trash

- Proper disposal of prescription drugs:
 - Do not flush prescription drugs down the toilet or drain unless the label or accompanying patient information specifically instructs you to do so.
 - To dispose of prescription drugs not labeled to be flushed, you may be able to take advantage of community drug take-back programs or other programs, such as household hazardous waste collection events, that collect drugs at a central location for proper disposal.



Medications

- If a drug take-back or collection program is not available*:
 - Take your prescription drugs out of their original containers.
 - Mix drugs with an undesirable substance, such as cat litter or used coffee grounds
 - Put the mixture into a disposable container with a lid, such as an empty margarine tub, or into a sealable bag
 - Conceal or remove any personal information, including Rx number, on the empty containers by covering it with black permanent marker or duct tape or by scratching it off
 - Place the sealed container with the mixture, and empty drug containers, in the trash

*Office of National Drug Control Policy October 2009

SMART DISPOSAL
A Prescription for a Healthy Planet



Medications

- Medication and student privacy:
 - FERPA rules apply to students receiving medications at school. Only those with a need to know should be informed.
 - Discuss medication administration with **only** staff who have a legitimate need to know.



Medications

- Title 70 Section 1-116.3 (HB 2101)
 - Allows the school district to maintain a minimum of two epinephrine auto-injectors at each school site
 - A health professional is to provide training
 - The school must have the parent or guardian sign a waiver specific for that medication
 - Local physician may write the prescription for schools to obtain the epinephrine auto-injector



CPR

- Dustin Rhodes and Lindsay Steed

CPR Training Act

- 70 O.S. 1210.199 Cardiopulmonary Resuscitation and Heimlich Maneuver Instruction Program.

- Each public school district shall ensure that a minimum of 1 certified teacher and 1 non-certified staff member at each school site receives training in CPR and the Heimlich maneuver.



CPR

- HB 1378 – Amended 70 O.S. 1210.199 in 2014 to say:
 - “Beginning with the 2015-2016 school year, all students enrolled in the public schools of this state shall receive instruction in cardiopulmonary resuscitation and awareness of the purpose of an automated external defibrillator, in accordance with subsection C of this section, at least once between ninth grade and graduation from high school. A school administrator may waive the curriculum requirement required by this subsection for an eligible student who has a disability. A student shall not be required to meet the requirement of this subsection if a parent or guardian of the student objects in writing. All students enrolled in a virtual charter school in grades nine through twelve shall not be subject to the requirements of this section. All students enrolled in physical education classes in grades nine through twelve may receive instruction in the techniques of the Heimlich maneuver...”



CPR

- HB 1378 continued
 - “...The State Board of Education shall establish a procedure for monitoring the requirements set forth...Instruction shall be based upon an instructional program which is nationally recognized and based upon the most current national evidence-based Emergency Cardiovascular Care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator...”



CPR

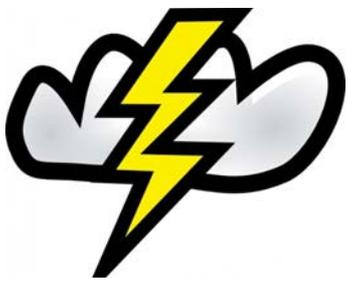
- HB 1378 continued
 - “...A school district may use emergency medical technicians, paramedics, police officers, firefighters, teachers, other school employees or other similarly qualified individuals or organizations to provide the instruction prescribed by this section. Two or more school districts may enter into an interlocal or multidistrict cooperative agreement for the purpose of jointly and comparatively fulfilling the requirements of this section. Instruction provided pursuant to this section is not required to result in certification in cardiopulmonary resuscitation.”



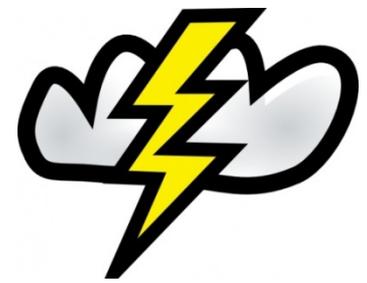
CPR

- If instruction is intended to result in certification in cardiopulmonary resuscitation, the course instructor shall be authorized by an instructional program which is nationally recognized and is based upon the most current national evidence-based Emergency Cardiovascular Care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator or a similar nationally recognized association to provide the instruction.





Protection Plans for Schools



- SB 258 – Protection Plans for Schools and Institutions of Higher Learning – 63 O.S. 2011, Section 681
 - “...Each school, administration building and institution of higher learning shall have written plans and procedures in place for protecting students, faculty, administrators, and visitors from natural and man-made disasters and emergencies. Plans **shall** be reviewed and updated annually ... and placed on file at each school district **and** each local emergency response organization within the district, which may include police, fire, emergency medical service, sheriff and emergency management of the appropriate jurisdiction. The plans shall be submitted in a format acceptable to the emergency agency no later than **November 1** of each year ...”



Workplace Safety Training

- SB 262 Workplace Safety Training in Schools
 - The SDE in collaboration with the Oklahoma Department of Labor (DOL), shall make available to school districts information regarding workplace safety training for grades seven through twelve. Such information shall include the DOL “Youth @ Work Talking Safety: A Safety and Health Curriculum for Young Workers.”
 - The SDE shall encourage school districts to inform grade seven through twelve teachers about the importance of incorporating workplace safety training in their curriculum.
 - The State Board of Education shall promulgate rules to implement the provisions of this act.



Safe School Committee

- HB 1684
 - Amends the Safe School Committee legislation to include:
 - “The Safe School Committee may study and make recommendations to the school district board of education regarding the development of a rape or sexual assault response program that may be implemented at the school site.”

Title 70 Section 24-100.5 – Signed by the governor May 4, 2015 and becomes effective November 1, 2015



Communicable Diseases in Schools Regulations

- Oklahoma State Administrative Code
 - Title 310 – Oklahoma State Department of Health.
 - Chapter 520 – Communicable Diseases in Schools Regulations
 - Duty of School Personnel 310:520-1-3
- (a) An important part of a school health program is the prevention and control of communicable diseases. The teacher is in a strategic position to detect beginning symptoms of illness by the careful and continuous observation of children in the classroom. There are three general measures which school personnel can use to prevent the spread of disease:



Communicable Diseases in Schools Regulations

- Oklahoma State Administrative Code
 - Title 310 – Oklahoma State Department of Health.
 - Chapter 520 – Communicable Diseases in Schools Regulations
 - Duty of School Personnel 310:520-1-3
 - (1) Oklahoma law requires parents to provide proper and necessary immunizations for their children, particularly diphtheria, whooping cough, tetanus, polio, rubella and measles during the preschool age. All schools are required to maintain immunization records or exemptions on each student.
 - (2) Encourage parents to keep sick children at home.
 - (3) Isolate pupils who appear to be ill and make preparations to send them home.



Communicable Diseases in Schools Regulations

- Oklahoma State Administrative Code
 - Title 310 – Oklahoma State Department of Health.
 - Chapter 520 – Communicable Diseases in Schools Regulations
 - Duty of School Personnel 310:520-1-3
- Good health is more important than a perfect attendance record.
 - (b) We cannot emphasize too strongly the fallacy of the idea that children are always in condition to attend school and that perfect attendance records are to be sought at any cost.



Communicable Diseases in Schools Regulations

- Diseases for which children **should be excluded** – 310:520-1-4
 - ...The superintendent, teacher, or other official in charge of any school may exclude any child suffering from or exhibiting the following symptoms:
 - Fever alone, 100 degrees Fahrenheit.
 - Sore throat or tonsillitis.
 - Any eruption of the skin, or rash.
 - Any nasal discharge accompanied by fever.
 - A severe cough producing phlegm.
 - Any inflammation of the eyes or lids.



Communicable Disease Continued

- 310:520-1-4
 - The decision to close schools in times of epidemics should be made by the school authorities in consultation with public health officials. In times of epidemics, the teachers should be unusually alert for signs of illness and report any symptoms of illness to the proper authorities.



Durable Medical Equipment

- It is the responsibility of the **parent** to supply to the school all durable medical equipment and supplies for the management of their child's medical condition.
- Schools in Oklahoma are not considered medical laboratories and are not covered by Clinical Laboratory Improvement Amendments (CLIA) of 1988.
 - CLIA guidelines are federal regulatory standards that apply to all clinical laboratory CLIA regulations.
 - Glucometers are not considered laboratory equipment and are not covered by CLIA.
 - Glucometers require frequent control tests and calibrations that should not be performed by lay school staff.

Glucometers should **never** be used on students with physician orders for testing blood glucose levels.



Durable Medical Equipment

- Oxygen may be required by some students – parents are responsible for the supply of the oxygen tanks or canisters, tubing, mask or nasal prongs the student will use while at school



Durable Medical Equipment

- Some students with asthma may require nebulizer treatments during the school day. Nebulizers and the supplies to administer the breathing treatments are to be provided by the parents.



FERPA and the Disclosure of Student Information Related to Emergencies and Disasters June 2010

- “...a school may determine that it is necessary to disclose non-directory information to appropriate parties in order to address a disaster or other health or safety emergency. FERPA permits school officials to disclose, without consent, education records, or personally identifiable information from education records, to appropriate parties in connection with an emergency, if knowledge of that information is necessary to protect the health or safety of the student or other individuals. This exception to FERPA’s general consent requirement is temporally limited to the period of the emergency and generally does not allow for a blanket release of personally identifiable information from the student’s education records.” 34CFR§ 99.31(a)(10) and 99.36.



FERPA and the Disclosure of Student Information Related to Emergencies and Disasters June 2010

“FERPA would generally permit school officials to disclose immunization and other education records to public health authorities under the health or safety emergency provision of FERPA if it is in connection with a health or safety emergency and the knowledge of the information disclosed was necessary to protect the health and safety of the students or other individuals.”
34CFR§ 99.36.

The 2009/2010 H1N1 Influenza outbreak is an example of when this was used.
The 2009/2010 Meningitis outbreak is another example of when this was used.



Barbara Smith, RN, MPH, M.Ed.
School Health Coordinator
Maternal and Child Health Service
Oklahoma State Department of Health
1000 N.E. 10th
Oklahoma City, OK 73117-1207
(405) 271-4471
barbarads@health.ok.gov

