EDUCATION DEPARTMENT [281]

Notice of Intended Action

Pursuant to the authority Iowa Code section 256.7(5) and of 2015 Iowa Acts, Senate File 462, the Iowa Department of Education hereby proposes to adopt a new Chapter 14, "Iowa School Health Services."

The 86th General Assembly, in Senate File 462, established that school districts and accredited nonpublic schools may stock an epinephrine injector supply and directed the Department of Education to adopt rules necessary for schools to voluntarily implement the Act. This new chapter includes rules for the implementation of Senate File 462.

Interested individuals may make written comments on the proposed rules on or before November 3, 2015 at 4:30 p.m. Comments on the proposed rules should be directed to Nicole Proesch, Legal Counsel, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-8661 or E-mail: Nicole.proesch@iowa.gov.

A public hearing will be held on November 3, 2015, from 10:00 – 11:00 a.m. at the State Board Room, Second Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing mobility impairments, should contact and advise the Department of Education of their specific needs by calling (515)281-5295. After analysis and review of this rule making, no impact on jobs has been found. These rules are intended to implement 2015 Iowa Acts, Senate File 462.

The following new Chapter is proposed.

CHAPTER 14
SCHOOL HEALTH SERVICES

281—14.1(256) and 281—14.2(256). Reserved

281—14.3(256) School District and Accredited Nonpublic School Stock Epinephrine Auto-injector Voluntary Supply.

14.3(1) *Definitions.* For the purpose of this rule, the following definitions apply:

"*Act*" means Iowa Senate File 462 of Iowa 86th General Assembly, amending Iowa Code section 280.16 and creating section 280.16A.

"*Department*" means the department of education.

"*Epinephrine auto-injector*" means a disposable drug delivery device with a spring-activated concealed needle that is designed for immediate self-administration or administration by another trained individual of a measured dose of epinephrine to a student or individual at risk of anaphylaxis.

"*Licensed health care professional*" means a person with prescriptive authority and is licensed under Iowa Code chapter 148 to practice medicine and surgery, an advanced nurse practitioner licensed pursuant to Iowa Code chapter 152, or a physician assistant licensed to practice under the supervision of a physician as authorized in Iowa Code chapters 147 and 148C.

"*Medication administration course*" means a course approved or provided by the department that includes safe storage of medication, handling of medication, general principals, procedural aspects, skills demonstration and documentation requirements of safe medication administration in schools.

"*Medication error"* means the failure to administer an epinephrine auto injector to a student or individual by proper route, failure to administer the correct dosage, or failure to administer an epinephrine auto injector according to generally accepted standards of practice.

"*Medication incident"* means accidental injection of an epinephrine auto injector into a digit of the authorized personnel administering the medication.

"*Personnel authorized to administer epinephrine*" means a school employee who has successfully completed the medication administration course requirements, and who completes an annual anaphylaxis training program approved by the department and conducted by the school nurse including a return skills demonstration on the use of an epinephrine auto-injector

"*School building*" means each building within a school district or accredited nonpublic school.

"*School nurse*" means a registered nurse holding current licensure recognized by the Iowa board of nursing who practices in the school setting to promote and protect the health of the school population using knowledge from the nursing, social, and public health sciences.

14.3(2) *Applicability*. This rule is applicable in accordance with the Act to:

a. permit a licensed healthcare professional to prescribe a stock epinephrine auto-injector in the name of a school district or accredited nonpublic school for use in accordance with the Act and this rule,

b. permit a pharmacist to dispense epinephrine auto-injectors pursuant to a prescription issued in the name of a school district or accredited nonpublic school, and

c. permit a school district or accredited nonpublic school to acquire and maintain a stock supply of epinephrine auto-injectors pursuant to a prescription issued in accordance with the Act.

14.3(3) *Prescription for stock epinephrine auto-injector.* A school district or accredited nonpublic school may obtain a prescription for epinephrine auto-injectors from a licensed health care professional annually in the name of a school district or accredited nonpublic school and maintain a supply of such auto-injectors in a secure, dark, temperature controlled location in each building to be administered to a student or individual who may be experiencing an anaphylactic reaction. If it obtains a prescription pursuant to the Act and these rules, a school district or accredited nonpublic school shall stock a minimum of one pediatric dose and one adult dose epinephrine auto-injector for each building. A school district or accredited nonpublic school may obtain a prescription for more than the minimum.

14.3(4) *Authorized personnel and stock epinephrine auto-injector administration.* A school nurse or personnel trained and authorized may provide or administer an epinephrine auto-injector from a school supply to a student or individual if the authorized personnel reasonably and in good faith believes the student or individual is having an anaphylactic reaction.

a. The following persons, provided they have acted reasonably and in good faith, shall not be liable for any injury arising from the provision, administration, failure to administer, or assistance in the administration of an epinephrine auto-injector to include:

(1) authorized personnel and the school nurse, provided they have acted reasonably and in good faith, shall not be liable for injury arising from the provision, administration, or assistance in the administration of epinephrine auto-injectors,

(2) the school district or accredited nonpublic school employing the personnel,

(3) the board of directors in charge of the school district or authorities in charge of the accredited nonpublic school, and

(4) the prescriber of the epinephrine auto-injector.

b. Authorized personnel will submit a signed statement to the school nurse stating that the authorized personnel agrees to perform the service of administering stock epinephrine to a student or individual who may be experiencing an anaphylactic reaction pursuant to Iowa Code section 280.23.

c. Emergency medical services (911) will be contacted immediately after a stock epinephrine auto-injector is administered to a student or individual and the school nurse or authorized personnel will remain with the student or individual until emergency medical services arrive.

d. The administration of an epinephrine auto-injector in accordance with this chapter is not the practice of medicine.

14.3(5) *Stock epinephrine auto-injector training*. A school employee may obtain a signed certificate to become an authorized personnel.

a. Training to obtain a signed certificate may be obtained by:

(1) Successfully completing the medication administration course provided by the department every five years;

(2) Demonstrating a procedural return skills check to the school nurse on medication administration annually;

(3) Completing an anaphylaxis training program approved by the department annually;

(4) Demonstrating a procedural return skills check to the school nurse on the use of an epinephrine auto-injector using information from the training, authorized prescriber instructions regarding the administration of the stock epinephrine auto-injector, and as directed by the prescription epinephrine auto-injector's manufacturing label; and

(5) Providing the school nurse with a signed statement from the authorized personnel that the person agrees to perform the service of administering stock epinephrine to a student or individual who may be experiencing an anaphylactic reaction pursuant to Iowa Code section 280.23.

b. Training required after a medication error or incident. Authorized personnel or the school nurse directly involved with a medication error or incident with the administration of stock epinephrine auto-injectors shall be required to follow the medication error or incident protocol adopted by the board of directors of the school district or authorities in charge of the school district or accredited nonpublic school. Authorized personnel directly involved with a medication error or incident will be required to provide a procedural skills demonstration to the school nurse demonstrating competency in the administration of stock epinephrine auto-injectors to retain authorization to administer stock epinephrine in the school setting.

14.3(6) *Procurement and maintenance of stock epinephrine auto-injector supply.* A school district or accredited nonpublic school may obtain a prescription to stock, possess, and maintain epinephrine auto-injectors.

a. Stock epinephrine auto-injectors shall be stored in a secure, easily accessible area for an emergency within the school building, or in addition to other locations as determined by the

school district or accredited nonpublic school, that is dark and maintained at room temperature (between 59 to 86 degrees) or per the manufacturing label of the stock epinephrine auto-injector.

b. A school district or school will designate an employee to routinely check stock epinephrine auto-injectors and document on a log monthly throughout the calendar year for:

(1) the expiration date;

(2) any visualized particles, or

(3) color change.

c. The school district or school will develop a protocol to replace as soon as reasonably possible used, prior to expired, or any logged epinephrine auto-injector that is discolored or has particles visible in the liquid.

14.3(7) *Disposal of used stock epinephrine auto-injectors.* The school district or school who administers epinephrine auto-injectors will dispose of used cartridge injectors as infectious waste per the department's medication waste guidance.

14.3(8) *Reporting*. A school district or school that obtains a prescription for stock epinephrine auto-injectors will report each medication incident with the administration of stock epinephrine, medication error with the administration of stock epinephrine, or the administration of a stock epinephrine auto-injector to the department within forty eight (48) hours, using the reporting format approved by the department.

14.3(9) *School district or accredited nonpublic school policy.* A school district or school may stock epinephrine auto-injectors. The board of directors in charge of the school district or authorities in charge of the accredited nonpublic school that stocks epinephrine auto-injectors

shall establish a policy and procedure for the administration of a stock epinephrine injector, which shall comply with the minimum requirements of this rule.

14.3(10) *Rule of construction*. This rule shall not be construed to require school districts or accredited nonpublic schools to maintain a stock of epinephrine auto-injectors. An election not to maintain such a stock shall not be considered to be negligence.

281—14.4(256,280) Severability. If any provisions of these rules or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or application of these rules which can be given effect, and to this end the provisions of these rules are declared to be severable.