

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 614 (as enrolled)
Sponsor: Senator Philip E. Hoffman
Committee: Education

Date Completed: 10-21-99

RATIONALE

The Revised School Code provides for immunity from liability for the administration of medications to pupils in schools. Under the Code, a student's parent or guardian must provide the school with written permission and request school personnel to administer the medication in compliance with a physician's instructions. A school administrator, teacher, or other school employee designated by the school administrator may administer the medication to the student, but the medication must be administered in the presence of a second adult, except in an emergency situation. In many schools, licensed nursing professionals serve as school nurses, who administer medications to students as part of their nursing duties. Some people believe that licensed nurses, who are trained to dispense medicine, should be allowed to perform this duty without the presence of a second adult.

CONTENT

The bill would amend the Revised School Code to provide that the Code's liability exemption for persons who administer medication to a pupil would apply to a school employee who was a licensed professional nurse, regardless of whether the medication was administered in the presence of another adult.

Currently, a school administrator, teacher, or other school employee designated by the school administrator, who in good faith administers medication to a pupil in the presence of another adult or in an emergency that threatens the pupil's life or health, pursuant to written permission of the pupil's parents or guardian and in compliance with a physician's instructions, is not liable in a criminal action or for civil damages as a result of the administration of the medication, except for an act or omission amounting to gross negligence or willful and wanton misconduct. The bill would retain this provision but specifies that the school administrator, teacher, or employee would not be liable as a result of "an act or omission" in the administration of the medication.

MCL 380.1178

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Licensed health professionals who serve as school nurses, such as licensed practical nurses or registered nurses, have been trained in the appropriate procedures to follow when dispensing medicine. Thus, requiring another adult, including an unlicensed individual, to witness a school nurse administering medicine to a student is not necessary. As a result of this requirement, nurses often spend unproductive time locating another adult to witness medicine being administered to a student according to a physician's instructions, and students lose educational instruction time waiting for an adult to be located.

Response: The presence of a second adult helps to minimize potential errors when medication is given to a student.

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: J. Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.