

STUDENT ILLNESSES

Procedures shall be established by the administration to ensure that proper attention is given to any student who becomes ill during the course of a school day.

ACCIDENTS CAUSING
INJURY TO STUDENTS

Emergency procedures shall be established by the administration to ensure proper attention for any student injured at school. Records shall be maintained on all accidents that require the attention of a medical doctor.

CONSENT TO MEDICAL
TREATMENT

TSD may consent to medical, dental, psychological, and surgical treatment of a student, provided all of the following conditions are met:

1. The person having the power to consent as otherwise provided by law cannot be contacted.
2. Actual notice to the contrary has not been given by that person.
3. Written authorization to consent has been received from that person.

Family Code 32.001(a)(4)

FORM OF CONSENT

Consent to medical treatment under this policy shall be in writing, signed by a TSD administrator, and given to the doctor, hospital, or other medical facility that administers the treatment. The consent must contain:

1. The name of the student.
2. The name of one or both parents, if known, and the name of the managing conservator or guardian of the student, if either has been appointed.
3. The name of the person giving consent and the person's relation to the student.
4. A statement of the nature of the medical treatment to be given.
5. The date on which the treatment is to begin.

Family Code 32.002

TEXAS SCHOOL FOR THE DEAF
HEALTH REQUIREMENTS AND SERVICES:
MEDICAL TREATMENT

FFAC
LOCAL

MINOR'S CONSENT TO
TREATMENT

A minor may consent to medical, dental, psychological, and surgical treatment furnished by a licensed physician or dentist if the minor:

1. Is 16 years of age and residing separate and apart from the minor's parents, managing conservator, or guardian, with or without the consent of the parents, conservator, or guardian and regardless of the duration of the residence, and is managing his or her own financial affairs, regardless of the source of the income;
2. Consents to the diagnosis and treatment of any infectious, contagious, or communicable disease required to be reported to the Texas Department of State Health Services, including all reportable diseases under Health and Safety Code 81.041;
3. Is unmarried and pregnant, and consents to hospital, medical, or surgical treatment, other than abortion, related to her pregnancy; or
4. Consents to examination and treatment for drug or chemical addiction, drug or chemical dependency, or any other condition directly related to drug or chemical use.

Family Code 32.003; Planned Parenthood of Cent. Mo. v. Danforth, 428 U.S. 52 (1976); Bellotti v. Baird, 443 U.S. 622 (1979)

ADMINISTERING
MEDICATION

No employee shall give any student prescription medication, nonprescription medication, herbal substances, anabolic steroids, or dietary supplements of any type, except as provided below.

Exceptions

Employees authorized by the Superintendent or designee may administer to students provided:

1. TSD has received a written request to administer the medication from the parent, legal guardian, or other person having legal control of the student.
2. When administering prescription medication, the medication is administered either:
 - a. From a container that appears to be the original container and to be properly labeled; or
 - b. From a properly labeled unit dosage container filled by a registered nurse or another qualified TSD employee, as determined by TSD Administrative Procedure, from a container that appears to be the original container and to be properly labeled.

IMMUNITY FROM CIVIL
LIABILITY

TSD, the TSD Governing Board, and TSD employees shall be immune from civil liability for damages or injuries resulting from the administration of medication to a student in accordance with this policy.

Education Code 22.052(a), (b), 30.055; Civil Practice and Remedies

Code, Chapters 101, 104

SELF- ADMINISTRATION
OF ASTHMA MEDICINE

A student with asthma may possess and self-administer prescription asthma medicine while on school property or at a school-related event or activity if:

1. The medicine has been prescribed for that student as indicated by the prescription label on the medicine;
2. The student has demonstrated to the student's physician or other licensed health-care provider and the school nurse, if available, the skill level necessary to self-administer the prescription medication, including the use of any device required to administer the medication;
3. The self-administration is done in compliance with the prescription or written instructions from the student's physician or other licensed health care provider; and
4. A parent of the student provides to the School:
 - a. Written authorization, signed by the parent, for the student to self-administer the medicine while on school property or at a school-related event or activity; and
 - b. A written statement, signed by the student's physician or other licensed health care provider, that states:
 1. That the student has asthma and is capable of self-administering the medicine;
 2. The name and purpose of the medicine;
 3. The prescribed dosage for the medicine;
 4. The times at which or circumstances under which the medicine may be administered; and
 5. The period for which the medicine is prescribed.

The physician's statement must be kept on file in the TSD Health Center

NO WAIVER OF IMMUNITY

The provisions above neither waive any liability or immunity nor create any liability for or a cause of action against TSD, the TSD Governing Board or TSD employees.

Education Code 38.013

SUNSCREEN PRODUCTS

A student may possess and use a topical sunscreen product while on school property or at a school-related event or activity to avoid overexposure to the sun and not for the medical treatment of an injury or illness if the product is approved by the federal Food and Drug Administration for over-the-counter use. This provision does not waive any immunity from liability of the School, its Board, or its employees; or create any liability for or a cause of action against the School, its Board, or its employees.

Education Code 38.021

DIETARY SUPPLEMENTS

A TSD employee commits a Class C misdemeanor offense if the employee:

1. Knowingly sells, markets, or distributes a dietary supplement that contains performance enhancing compounds to a primary or secondary education student with whom the employee has contact as part of the employee's duties; or
2. Knowingly endorses or suggests the ingestion, intranasal application, or inhalation of a dietary supplement that contains performance enhancing compounds by a primary or secondary education student with whom the employee has contact as part of the employee's duties.

Education Code 38.011(a), (c)

PRESCRIPTION
MEDICATION AND
SPECIAL EDUCATION
STUDENTS

An employee of a district is prohibited from requiring a child to obtain a prescription for a substance covered under the federal Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of attending school, receiving an evaluation for special education, or receiving special education and related services.

An employee is not prohibited from consulting or sharing classroom-based observations with parents regarding a student's academic and functional performance, behavior in the classroom or school, or the need for evaluation for special education or related services.

20 U.S.C. 1412(a)(25)

PSYCHOTROPIC DRUGS
AND PSYCHOLOGICAL
TESTING

A TSD employee may not:

1. Recommend that a student use a psychotropic drug; or
2. Suggest any particular diagnosis; or
3. Use the refusal by a parent to consent to administration of a psychotropic drug to a student or to a psychiatric evaluation or examination of a student as grounds, by itself, for prohibiting the child from attending a class or participating in a school-related activity.

Psychotropic drug means a substance that is used in the diagnosis, treatment, or prevention of a disease or as a component of a medication and intended to have an altering effect on perception, emotion, or behavior.

Education Code 38.016(b) does not:

1. Prevent an appropriate referral under the Child Find system required under 20 U.S.C. Section 1412, as amended; or
2. Prohibit a TSD employee who is a registered nurse, advanced nurse practitioner, physician, or certified or appropriately credentialed mental health professional from recommending that a child be evaluated by an appropriate medical practitioner; or
3. Prohibit a TSD employee from discussing any aspect of a child's behavior or academic progress with the child's parent or another

TSD employee.

A violation of Education Code 38.016(b) does not override the immunity from personal liability granted in Education Code 22.051 or other law or TSD's sovereign or governmental immunity.

Education Code 38.016

CHILD ABUSE
REPORTING

An employee may not use or threaten to use the refusal of a parent, guardian, or managing or possessory conservator to administer or consent to the administration of a psychotropic drug to a child, or to consent to any other psychiatric or psychological testing or treatment of the child, as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

Education Code 26.0091; Family Code 261.111(a) [See FFG]

EPINEPHRINE

The School authorizes School personnel who have agreed in writing and been adequately trained to administer an unassigned epinephrine auto-injector in accordance with law and this policy. Administration of epinephrine shall only be permitted when an authorized and trained individual reasonably believes a person is experiencing anaphylaxis.

OPIOID ANTAGONIST
MEDICATION

A person or organization acting under a standing order issued by a prescriber may store an opioid antagonist and may distribute an opioid antagonist, provided the person or organization does not request or receive compensation for storage or distribution. *Health and Safety Code 483.104*

A prescriber may, directly or by standing order, prescribe an opioid antagonist to a person in a position to assist a person experiencing an opioid-related drug overdose. *Health and Safety Code 483.102; 22 TAC 170.6*

IMMUNITY

A person who, acting in good faith and with reasonable care, administers or does not administer an opioid antagonist to another person whom the person believes is suffering an opioid-related drug overdose is not subject to criminal prosecution, sanction under any professional licensing statute, or civil liability, for an act or omission resulting from the administration of or failure to administer the opioid antagonist. *Health and Safety Code 483.106*

MAINTENANCE AND
ADMINISTRATION OF
EPINEPHRINE AUTO-
INJECTORS

Authorized and trained individuals may administer an unassigned epinephrine auto-injector at any time to a person experiencing anaphylaxis on a school campus.

The School shall ensure that TSD has a sufficient number of personnel trained to administer epinephrine so that at least one trained individual is present on campus during all hours the campus is open. In accordance with

state rules, the campus shall be considered open for this purpose during regular on-campus school hours and whenever School personnel are physically on site for school-sponsored activities.

School personnel and School volunteers who are authorized and trained may administer an epinephrine auto-injector to a person who is reasonably believed to be experiencing anaphylaxis at an off-campus school event or while in transit to or from a school event.

The maintenance, administration, and disposal of epinephrine auto-injectors at each campus shall be the responsibility of the Health Services Department. The Health Services Department shall develop District protocol to manage policy implementation that includes development of annual training of School personnel in accordance with law, procedures for auto-injector use and procedures for acquisition or purchase, maintenance, expiration, disposal, and availability of unassigned epinephrine auto-injectors at each campus.

The supply of epinephrine auto-injectors at the School must be stored in a secure location and be easily accessible to School personnel and School volunteers authorized and trained to administer an epinephrine auto-injector.

Education Code 38.208

DEFINITIONS

An “unassigned epinephrine auto-injector” is an epinephrine auto-injector prescribed by an authorized health-care provider in the name of the School issued with a non-patient-specific standing delegation order for the administration of an epinephrine auto-injector, issued by a physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157.

25 TAC 37.603

PROMPT NOTIFICATION

Local emergency medical services must be promptly notified by the School when an individual is suspected of experiencing anaphylaxis and when an epinephrine auto-injector is administered. If the trained School personnel or School volunteer is the only individual available to notify emergency medical services, the trained individual should administer the unassigned epinephrine auto-injector before notifying emergency medical services.

The parent, legal guardian, or emergency contact must be promptly notified by the School when an unassigned epinephrine auto-injector is utilized on their child as soon as is feasible during the emergency response to suspected anaphylaxis.

25 TAC 37.605(e)–(f)

Records School records of the administration of the unassigned epinephrine auto-injector and suspected anaphylaxis must be provided to the parent or guardian of the recipient upon request. *25 TAC 37.605(f)*

Reports Not later than the tenth business day after the date a School personnel member or School volunteer administers an epinephrine auto-injector in accordance with the School policy, the School shall send a report to the physician who prescribed the epinephrine auto-injector, the Commissioner, and the Commissioner of State Health Services.

The report must include the following information:

1. The age of the person who received the administration of the epinephrine auto-injector;
2. Whether the person who received the administration of the epinephrine auto-injector was a student, a School personnel member or School volunteer, or a visitor;
3. The physical location where the epinephrine auto-injector was administered;
4. The number of doses of epinephrine auto-injector administered;
5. The title of the person who administered the epinephrine auto-injector; and any other information required by the Commissioner of state health services.
6. Any other information required by the Commissioner of Education.

Education Code 38.209

Notifications to the Commissioner of DSHS shall be submitted on the designated electronic form available on the DSHS School Health Program website. *25 TAC 37.608*

Signed Statement Trained School personnel or School volunteers who administer the unassigned epinephrine auto-injector must submit a signed statement indicating that they agree to perform the service of administering an unassigned epinephrine auto-injector to a student or individual who may be experiencing anaphylaxis. *25 TAC 37.606(c)*

TRAINING The Health Services Department shall provide training to campus staff on the following:

1. Recognition of the signs and symptoms associated with life threatening allergic reactions/anaphylaxis;
2. How and when to administer an epinephrine auto-injector;
3. Implementation of emergency procedures after an epinephrine auto-injector is given; and
4. Proper disposition of used or expired epinephrine autoinjectors

Each assigned School personnel or School volunteer shall receive initial training and an annual refresher training. Training shall be consistent with the most recent Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programsⁱ published by the federal Centers for Disease Control and Prevention.

25 TAC 37.607

Training may be provided in a formal training session or through an online education course. Training must include information on properly inspecting unassigned epinephrine auto-injectors for usage and expiration. *25 TAC 37.607(1)–(2)*

The initial training must include hands-on training with an epinephrine auto-injector trainer. The annual refresher training must include a hands-on demonstration of administration skills. The training must also include information about promptly notifying local emergency medical services.

TSD shall maintain training records and make available upon request a list of those School personnel or School volunteers trained and authorized to administer the unassigned epinephrine auto-injector on the campus.

25 TAC 37.607(3)–(6)

STANDING ORDERS

A physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157 may prescribe epinephrine auto-injectors in the name of the School in accordance with law. *Education Code 38.211*

TSD shall obtain a prescription from an authorized health-care provider each year, to stock, possess, and maintain at least one unassigned adult epinephrine auto-injector pack (two doses) on the campus.

A school may choose to stock unassigned pediatric epinephrine auto-injector packs, based on the need of the school's population.

25 TAC 37.605(a)

Epinephrine Coordinator

The TSD Director of Student Health Services will coordinate and manage policy implementation, including training of School personnel, and the acquisition or purchase, usage, expiration, and disposal of unassigned epinephrine auto-injectors. Throughout the school calendar year, the Director shall coordinate with each department to ensure that the unassigned epinephrine auto-injectors are checked monthly for expiration and usage and the findings are documented. *19 TAC 37.605(b)*

NOTICE TO PARENTS In accordance with law, TSD shall provide notice to parents regarding the epinephrine program, including notice of any change to or discontinuation of this program.

The School shall provide written notice of its policy regarding epinephrine auto-injectors to a parent or guardian of each student enrolled in the School.
Notice must be provided before the policy is implemented and before the start of each school year.

Storage *Education Code 38.212*
Unassigned epinephrine auto-injectors shall be stored in a secure, easily accessible area for an emergency, in accordance with manufacturer's guidelines. It is recommended that the School administrator develop a map to be placed in high traffic areas that indicates the location of the unassigned epinephrine auto-injectors on each school campus. It is recommended that the map also indicate the locations of the automated external defibrillator (AED). *25 TAC 37.605(h)*

Replacement The School shall develop a plan to replace, as soon as reasonably possible, any unassigned epinephrine auto-injector that is used or close to expiration. *25 TAC 37.605(i)*

Disposal Used unassigned epinephrine auto-injectors shall be considered infectious waste and shall be disposed of according to the School's bloodborne pathogen control policy. Expired unassigned epinephrine auto-injectors shall be disposed of according to the School's medication disposal policy.
25 TAC 37.605(j)-(k)

GIFTS, GRANTS, AND DONATIONS The School may accept gifts, grants, donations, and federal and local funds to implement its policy.
Education Code 38.213

IMMUNITY FROM LIABILITY A person who in good faith takes, or fails to take, any action related to the administration of epinephrine auto-injectors is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act, including:

1. Issuing an order for epinephrine auto-injectors;
2. Supervising or delegating the administration of an epinephrine auto-injector;
3. Possessing, maintaining, storing, or disposing of an epinephrine auto-injector;

4. Prescribing an epinephrine auto-injector;
5. Dispensing an epinephrine auto-injector;
6. Administering, or assisting in administering, an epinephrine auto-injector;
7. Providing, or assisting in providing, training, consultation, or advice in the development, adoption, or implementation of policies, guidelines, rules, or plans; or
8. Undertaking any other act permitted or required under Education Code Chapter 38, Subchapter E.

The School and School personnel and School volunteers are immune from suit resulting from an act, or failure to act, under Education Code Chapter 38, Subchapter E, including an act or failure to act under related policies and procedures.

An act or failure to act by School personnel or a School volunteer, including an act or failure to act under related policies and procedures, is the exercise of judgment or discretion on the part of the School personnel or School volunteer and is not considered to be a ministerial act for purposes of liability of the school district or open-enrollment charter school.

Education Code 38.215

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ⁱ CDC Voluntary Guidelines for Managing Food Allergies:
<https://www.cdc.gov/healthyschools/foodallergies/index.htm>