

Prescription & Non-Prescription Medications

Beginning in the 2024-2025 school year, the practice in medication administration on all campuses is changing. In past years, NZISD nursing staff have administered medication supplied by a student's parent/guardian with parent/guardian consent and have not required physician, podiatrist, or dentist authorization. The Texas Board of Nursing has given guidance to school nurses regarding this practice, and ALL medications including over-the-counter medications will no longer be given by licensed nursing staff WITHOUT a physician, podiatrist, or dentist authorization AND parent authorization.

If your student needs ANY medication including over-the-counter medications, nursing staff will require a physician, podiatrist, or dentist authorization in order to administer the medication in accordance with the Texas Board of Nursing licensing standards. This includes common items, such as Tylenol, Ibuprofen, Tums, etc.

NZISD was provided with the updated interpretation of the Nurse Practice Act on Friday, Aug. 2 and has since communicated with doctors and pediatricians in the area regarding the update to our medication policy. Doctors and pediatricians have been provided the required authorization forms to make it easier on parents as they request medication authorization for their students. If your doctor does not have the updated medication authorization forms, please reference the links below to provide to your doctor/pediatrician:

As always, the safety and well-being of our students is our top priority. More detailed information is listed below. Should you have any questions, please reach out to your campus nurse, Casey Lucher, BSN, RN.

Highlights

- Nurses must follow the Nursing Practice Act (NPA) in all settings including schools)
- *NPA 301.002(2)(C)* states that nurses may only administer treatments (including medication) with a written order from a physician or other person with prescribing authority in Texas (MD, DO, APRN, PA, podiatrist, dentist)
- Texas Education Code (*TEC 22.052*) allows school districts to administer medications based on a parent/guardian's written request
- According to Texas Administrative Code (*TAC, 224.11(c)*), when there are two competing laws, nurses *must follow* the most restrictive law that governs our practice, which in this case is the NPA.
- Non-licensed school staff are allowed to administer medication based on your ISD's Board Policy FFAC

Exact Language

NURSE PRACTICE ACT (NPA 301.002(2)(C))

(1) "Board" means the Texas Board of Nursing.

(1-a) "Chief nursing officer" means the registered nurse who is administratively responsible for the nursing services at a facility.

(1-b) "Patient safety committee" has the meaning assigned by Section 303.001. (2) "Professional nursing" means the performance of an act that requires substantial specialized judgment and skill, the proper performance of which is based on knowledge and application of the principles of biological, physical, and social science as acquired by a completed course in an approved school of professional nursing. The term does not include acts of medical diagnosis or the prescription of therapeutic or corrective measures. Professional nursing involves:

(A) the observation, assessment, intervention, evaluation, rehabilitation, care and counsel, or health teachings of a person who is ill, injured, infirm, or experiencing a change in normal health processes;

(B) the maintenance of health or prevention of illness;

(C) *the administration of a medication or treatment as ordered by a physician, podiatrist, or dentist;*

(D) the supervision or teaching of nursing;

(E) the administration, supervision, and evaluation of nursing practices, policies, and procedures;

(F) the requesting, receiving, signing for, and distribution of prescription drug samples to patients at practices at which an advanced practice registered nurse is authorized to sign prescription drug orders as provided by Subchapter B, Chapter 157;

(G) the performance of an act delegated by a physician under Section 157.0512, 157.054, 157.058, or 157.059; and

(H) the development of the nursing care plan.

(3) "Nurse" means a person required to be licensed under this chapter to engage in professional or vocational nursing.

(4) "Nursing" means professional or vocational nursing.

(5) "Vocational nursing" means a directed scope of nursing practice, including the performance of an act that requires specialized judgment and skill, the proper performance of which is based on knowledge and application of the principles of biological, physical, and social science as acquired by a completed course in an approved school of vocational nursing. The term does not include acts of medical diagnosis or the prescription of therapeutic or corrective measures. Vocational nursing involves:

(A) collecting data and performing focused nursing assessments of the health status of an individual;

(B) participating in the planning of the nursing care needs of an individual; (C) participating in the development and modification of the nursing care plan; (D) participating in health teaching and counseling to promote, attain, and maintain the optimum health level of an individual;

(E) assisting in the evaluation of an individual's response to a nursing intervention and the identification of an individual's needs; and

(F) engaging in other acts that require education and training, as prescribed by board rules and policies, commensurate with the nurse's experience, continuing education, and demonstrated competency. [Amended by Acts 2013 (S.B. 406), 83rd Leg., eff. Nov. 1, 2013.]

TEXAS EDUCATION CODE (*TEC 22.052*)

Sec. 22.052. ADMINISTRATION OF MEDICATION BY SCHOOL DISTRICT EMPLOYEES OR VOLUNTEER PROFESSIONALS; IMMUNITY FROM LIABILITY.

(a) On the adoption of policies concerning the administration of medication to students by school district employees, the school district, its board of trustees, and its employees are immune from civil liability from damages or injuries resulting from the administration of medication to a student if:

(1) the school district has received a written request to administer the medication from the parent, legal guardian, or other person having legal control of the student; and

(2) when administering prescription medication, the medication is administered either:

(A) from a container that appears to be:

(i) the original container; and

(ii) properly labeled; or

(B) from a properly labeled unit dosage container filled by a registered nurse or another qualified district employee, as determined by district policy, from a container described by Paragraph (A).

(b) The board of trustees may allow a licensed physician or registered nurse who provides volunteer services to the school district and for whom the district provides liability insurance to administer to a student:

(1) nonprescription medication; or

(2) medication currently prescribed for the student by the student's personal physician.

(c) This section may not be construed as granting immunity from civil liability for injuries resulting from gross negligence.

TEXAS ADMINISTRATIVE CODE (TAC, 224.11(c))

In situations where an RN's practice is governed by multiple laws and regulations that impose different requirements, the RN must comply with them all and if inconsistent, the most restrictive requirement(s) governs. For example, if one regulation requires an RN to make a supervisory visit every 14 days and another leaves it to the RN's professional judgment, the RN would have to visit at least every 14 days or more frequently, if that is what the RN's professional judgment indicated.