

Legislative Analysis



ADMINISTRATION OF MEDS TO PUPILS: EXPAND WHO CAN AUTHORIZE

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House Bill 5331 (Substitute H-1)

Sponsor: Rep. Richard Ball

Committee: Health Policy

First Analysis (11-3-05)

BRIEF SUMMARY: The bill would allow physician's assistants and nurse practitioners to sign a form authorizing a pupil to be given medication by school personnel.

FISCAL IMPACT: The bill has no fiscal impact on state or local units of government.

THE APPARENT PROBLEM:

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.

Physician's assistants and nurse practitioners may write medical prescriptions and, as a pupil's primary care practitioner, often sign the school forms so that the pupil may receive medications as needed while in school. It is reported, however, that some schools refuse to acknowledge a form unless it is signed by a physician. The result is that during school hours, a pupil does not have access to medication taken on a regular schedule or to medication such as EpiPens needed in case of an allergic reaction. Since many people seek the services of physician's assistants and nurse practitioners as their primary health care providers, it has been suggested that the code be amended to allow these health professionals to sign the form authorizing school personnel to administer medication to a pupil.

THE CONTENT OF THE BILL:

House Bill 5331 would amend the Revised School Code to require medication prescribed for a pupil to be administered in compliance with the instructions of a physician, a physician's assistant, or a certified nurse practitioner.

MCL 380.1178

BACKGROUND INFORMATION:

The bill is part of a multi-bill package of legislation to amend various provisions of law to allow mandated physical examinations to be performed by certified nurse practitioners.

ARGUMENTS:

For:

Before a pupil can carry medications to school or a medication can be administered by school personnel, a parent or guardian must provide the school with a form signed by the child's doctor. However, in an effort to contain medical costs, many people choose to see a certified nurse practitioner or physician's assistant as their primary health care provider. Nurse practitioners and physician's assistants are allowed by statute to prescribe medications. As a pupil's primary health care provider, it makes sense that they would also be able to sign the form needed by the school. Reportedly, some schools have refused to acknowledge a form if signed by anyone other than a licensed physician. Parents have had to go back to their doctor's office, or, if seeing a nurse practitioner in an independent practice, must find the services of a doctor in order to have a new form filled out. In some areas where there are physician shortages, or in a busy physician practice, this can result in quite a delay in getting the form filled out. Meanwhile, the child is deprived of regular doses of medications during the school day or unable to access potentially life saving medications such as inhalers for asthma attacks or EpiPens for severe allergic reactions.

Against:

Physician groups continue to oppose legislation that attempts to expand the scope of practice of nurse practitioners into areas that rightly fall under the scope of practice of physicians – such as diagnosing illnesses. It is still important that the most qualified individual examine a patient and determine the proper treatment and medication.

POSITIONS:

A representative of the Michigan Council of Nurse Practitioners testified in support of the bill. (11-1-05)

A representative of the Michigan Nurses Association indicated support for the bill. (11-1-05)

A representative of the Michigan Department of Education indicated support for the bill. (11-1-05)

A representative of the Michigan Osteopathic Association indicated opposition to the bill. (11-1-05)

A representative of the Michigan State Medical Society indicated opposition to the bill. (11-1-05)

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