

By Representative Crow

1 A bill to be entitled
 2 An act relating to parental consent; amending
 3 s. 232.46, F.S.; revising provisions relating
 4 to the administration of medication by school
 5 district personnel; authorizing only licensed
 6 medical personnel to make recommendations with
 7 regard to a student's medical needs; requiring
 8 district school boards to adopt policies and
 9 procedures governing the administration of
 10 nonprescription medication; amending s.
 11 232.465, F.S.; prohibiting in-school physical
 12 or mental examinations without parental
 13 consent; prohibiting certain diagnoses, tests,
 14 lessons, and activities; amending s. 234.02,
 15 F.S.; prohibiting transportation of a student
 16 to a medical treatment facility without
 17 parental consent; providing an exception;
 18 providing an effective date.

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 20 Be It Enacted by the Legislature of the State of Florida:

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 22 Section 1. Subsection (2) of section 232.46, Florida
 23 Statutes, is renumbered as subsection (3), paragraph (b) of
 24 subsection (1) is amended, and a new subsection (2) is added
 25 to said section, to read:

26 232.46 Administration of medication by school district
 27 personnel.--

28 (1) Notwithstanding the provisions of the Nurse
 29 Practice Act, chapter 464, school district personnel shall be
 30 authorized to assist students in the administration of
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1 prescription medication when the following conditions have
2 been met:

3 (b) Each district school board shall adopt policies
4 and procedures governing the administration of prescription
5 medication by school district personnel. Only licensed medical
6 personnel shall make recommendations to the parent or legal
7 guardian regarding the student's medical needs.The policies
8 and procedures shall include, but are not ~~be~~ limited to, the
9 following provisions:

10 1. For each prescribed medication, the student's
11 parent or guardian through his or her physician shall provide
12 to the school principal a written statement which shall grant
13 to the principal, school nurse, or the principal's designee
14 permission to assist in the administration of such medication
15 and which shall explain the necessity for such medication to
16 be provided during the school day, including any occasion when
17 the student is away from school property on official school
18 business. The school principal or the principal's trained
19 designee shall assist the student in the administration of
20 such medication.

21 2. Each prescribed medication to be administered by
22 school district personnel shall be received, counted, and
23 stored in its original container. When the medication is not
24 in use, it shall be stored in its original container in a
25 secure fashion under lock and key in a location designated by
26 the principal.

27 (2) Each district school board shall adopt policies
28 and procedures governing the administration of nonprescription
29 medication by school district personnel. The policies and
30 procedures shall prohibit the administration of
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1 nonprescription medication by school district personnel
2 without the written consent of the student's parent.

3 Section 2. Subsections (4) and (5) of section 232.465,
4 Florida Statutes, are renumbered as subsections (5) and (6),
5 respectively, and a new subsection (4) and subsection (7) are
6 added to said section to read:

7 232.465 Provision of medical services; restrictions.--
8 (4) All in-school physical or mental examinations are
9 prohibited unless approved in writing by the student's parent.

10 (7) A school administrator, teacher, guidance
11 counselor, psychologist, or any other staff member who does
12 not possess a medical degree shall not provide a medical
13 diagnosis or give a clinical test to any student. Nonmedical
14 school personnel may not present lessons or activities that
15 could be defined as medical or psychological therapy, nor
16 shall any parent be coerced to seek medication or pursue
17 specific medical or psychological diagnoses, psychotherapy, or
18 other treatment with respect to his or her child.

19 Section 3. Paragraph (a) of subsection (2) and
20 subsection (8) of section 234.02, Florida Statutes, are
21 amended to read:

22 234.02 Safety and health of pupils.--Maximum regard
23 for safety and adequate protection of health are primary
24 requirements that must be observed by school boards in routing
25 buses, appointing drivers, and providing and operating
26 equipment, in accordance with all requirements of law and
27 regulations of the commissioner in providing transportation
28 pursuant to s. 234.01:

29 (2) Except as provided in subsection (1), school
30 boards may authorize the transportation of students in
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1 privately owned motor vehicles on a case-by-case basis only in
2 the following circumstances:

3 (a) When a student is ill or injured and must be taken
4 home under nonemergency circumstances or to a medical
5 treatment facility under imminently life-threatening
6 ~~nonemergency~~ circumstances; and

7 1. The school has been unable to contact the student's
8 parent or guardian or such parent, guardian, or responsible
9 adult designated by the parent or guardian is not available to
10 provide the transportation;

11 2. Proper adult supervision of the student is
12 available at the location to which the student is being
13 transported;

14 3. The transportation is approved by the school
15 principal, or a school administrator designated by the
16 principal to grant or deny such approval, or in the absence of
17 the principal and designee, by the highest ranking school
18 administrator or teacher available under the circumstances;
19 and

20 4. If the school has been unable to contact the parent
21 or guardian prior to the transportation, the school shall
22 continue to seek to contact the parent or guardian until the
23 school is able to notify the parent or guardian of the
24 transportation and the pertinent circumstances.

25 (8) Notwithstanding any other provision of this
26 section, in an emergency situation that constitutes an
27 imminent threat to student health or safety, school personnel
28 may take whatever action is necessary under the circumstances
29 to protect student health and safety. However, transportation
30 of a student in a school district vehicle or a privately owned
31 vehicle to a medical treatment facility for any purpose

1 without the consent of the parent is prohibited except in
2 imminently life-threatening circumstances, such as an accident
3 involving serious physical injury.

4 Section 4. This act shall take effect July 1, 2000.

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7 HOUSE SUMMARY

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9 Revises provisions relating to the administration of
10 medication by school district personnel. Authorizes only
11 licensed medical personnel to make recommendations with
12 regard to a student's medical needs. Prohibits in-school
13 physical or mental examinations without parental consent.
14 Prohibits certain diagnoses, tests, lessons, and
15 activities. Prohibits transportation of a student to a
16 medical treatment facility without parental consent.
17 Provides an exception.
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