

# NOTICE OF INTENT

## Board of Elementary and Secondary Education

### Medication Policy (LAC 28:1.929)

In accordance with the R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the State Board of Elementary and Secondary Education approved for advertisement, an amendment to the Administration of Medication Policy developed by the State Board of Elementary and Secondary Education and the State Board of Nursing. This amendment to the Administrative Code is printed below:

#### **Title 28**

#### **EDUCATION**

#### **Part I. Board of Elementary and Secondary Education**

#### **Chapter 9. Bulletins, Regulations and State Plans**

#### **§929. Administration of Medication Policy**

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#### **B. Written Orders, Appropriate Containers, Labels, and Information**

1. Medication shall not be administered to any student without an order from a Louisiana, or adjacent state, licensed physician or dentist and it shall include the following information:

\* \* \*

E. Teacher. The classroom teacher who is not otherwise previously contractually required shall not be assigned to administer medications to students. A teacher may request in writing to volunteer to administer medications to his/her own students. The administration of medications shall not be a condition of employment of teachers employed subsequent to July 1, 1994. A regular education teacher who is assigned an exceptional child shall not be required to administer medications.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with Act 87 of R. S. 1993 (R.S. 17:436.1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 22:

Interested persons may submit written comments until 4:30 p.m., March 10, 1996 to: Eileen Bickham, State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Carole Wallin  
Executive Director

#### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Medication Policy**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The economic impact to the State Department of Education is based on costs for printing and dissemination of 500 copies of the amended policy and the law to the superintendents and school nurses in each parish (LEA), and interested citizens at a cost of \$525.

The increased cost to each local governmental unit for this policy will vary. School nurses and administrators will likely spend more time verifying appropriate licensure, and in consultation by long distance communication to physicians and pharmacists in bordering states.

Teachers, in accord with the joint policy, are already exempted unless they volunteer, from administering medication to students.

BESE's estimated cost for printing this policy change and first page of fiscal and economic impact statement in the *Louisiana Register* is approximately \$400. Funds are available.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Local tax revenues could be affected if persons choose to use physicians and/or pharmacists from adjacent states. The revenue change is unknown. The state exempts prescription drugs from state sales tax. There is a state prescription fee that could be affected.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The number of students and local education agencies specifically affected is unknown. The number of students who receive medical care in bordering states is unknown, as is the number of students who receive medications prescribed by out-of-state physicians to students during school hours.

It is unknown how many, if any, physicians or dentists in bordering states will not renew their license to practice

in Louisiana.

For parents, in some instances, the cost in travel will be less and the access to services will be more convenient in a neighboring state.

There is a possibility that citizens of Louisiana may find it more difficult and expensive to seek and recover malpractice suits involving physicians not licensed to practice in Louisiana.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Physicians and dentists licensed to practice in bordering states, but not licensed in Louisiana, may benefit from an increase in patients. Pharmacies in bordering states may have an increase in prescriptions filled by Louisiana residents.

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