

WILLA DECASTRO  
 REPRESENTATIVE 96-H DISTRICT  
 MAJORITY CAUCUS CHAIR



TOPEKA

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 K 12 EDUCATION  
 SOCIAL SERVICE BUDGET  
 JT. COMMITTEE UN CHILDRENS ISSUES

*HB 2478*

Thank you Mr. Chair and Members of the committee,

I would like to make two points about this proposed legislation:

- 1) To question if it is needed
- 2) The direction it may take us.

While I most certainly appreciate what the author's intent is for *HB 2478*, I question the need. Currently many school districts allow the students to do exactly what this bill requests. However the bill leads to several concerns.

The bill addresses asthma and allergies, but there are other diagnoses that could claim equal importance to carry medications, for example diabetes. Sec. 3 c gives parents an option of where to file their information. The concern here is that the nurse could be by-passed. The role of the nurse is to monitor health care concerns. The nurse assesses the student's knowledge and responsibility. She also has the authorization to inform others on a "need to know basis" and help others, i.e. teacher or administrator, know how to assist the student if need be. While using the epi-pen may be simple, the student using it is still at risk and needs to be supported and referred for follow-up treatment. We also have many regulations from OSHA, KDHE and our schools safety departments on how to dispose of injectables.

Another concern under this section is that school personnel are not involved in determining if a student should manage their own drugs. A 6<sup>th</sup> grade student should have the maturity to carry some medications. The reality is that some forget them at home, allow them to expire or can't find them in the locker.

While section "d" addresses liability, who has the liability when a student misuses his medications? Will the school be without liability and the parent held responsible on those occasions when a student thinks it is "cool" to spray the inhalers in the classroom? Not only does this waste expensive medication, may cause him to not have it when needed but can be a real danger to other students that could have a reaction to it. Who is liable when the student allows other students access to the medication? The school should have the right to revoke the privilege when the student mishandles the medication.

I also have concern that if this bill passes, the public will believe students are free to carry all kinds of medications or that they do not need the schools approval and we will have children in our buildings with health concerns we are not aware of. While this happens to some extent now, the problems could increase.

I have available the medication request, physician authorization and the form for the nursing plan that is used in the Wichita district. I am confident the other districts have similar documentation that is very reflective of this bill. So again t raise the question, is legislation needed or is it better to leave this policy with local school boards?

Thank you. I will stand for questions.

Rep. Willa DeCastro  
R.N. School Nurse