

BEFORE THE ALABAMA BOARD OF NURSING

IN THE MATTER OF:) **PETITION FOR**
)
BONNIE DAVIS, RN;JANIS WARD,RN; and) **DECLARATORY RULING**
SHEALY LYNN, RN,)
)
Petitioner.)

ORDER

Comes now the Alabama Board of Nursing, by and through its Executive Officer, N. Genell Lee, RN, MSN, JD, and issues the following ruling:

FINDINGS OF FACT

1. On September 2, 2004, the Petitioners, Bonnie Davis, RN, Madison City Schools' System Nurse; Janis Ward, RN, NCSN, Huntsville City Schools' Coordinator of Health Services; and Shealy Lynn, RN, Madison County Schools' Health Services Supervisor, submitted to the Alabama Board of Nursing a request for a declaratory ruling as to whether it is a violation of the Nurse Practice Act for a school nurse to administer over-the-counter (OTC) medications without a physician's authorization.
2. Pursuant to Alabama Board of Nursing Administrative Code, Chapter 610-X-6-.06(5), the task of providing prescribed oral, topical, ear, eye, nasal, and inhalation medications to a student through twelfth grade may be delegated to unlicensed assistive personnel by the school nurse if certain conditions are met.
3. Over-the-counter medications are not specifically mentioned in the Nurse Practice Act or Alabama Board of Nursing Administrative Code.
4. The Petitioners cite Code of Alabama, 1975, Section 34-21-1(3)(a) and (b), the definitions of professional and practical nursing. Included in the definition of professional nursing is the statement "...and executing medical regimens including administering medications and treatments prescribed by a licensed or otherwise legally authorized physician or dentist." Over-the-counter medications can be purchased by any individual, including parents of school children, without the necessity of a prescription. Parents can administer over-the-counter medications to their children without the necessity of a prescription.
5. Local education agencies may or may not require a prescriber authorization for over-the-counter medications. The Alabama Board of Nursing does not have jurisdiction over local education agency policy or practice.
6. Written parental authorization is required prior to any school nurse administering medications, prescribed or over the counter. Written parental authorization is required prior to any school nurse delegating assistance with medication delivery.

CONCLUSIONS OF LAW

1. The Alabama Board of Nursing has the authority to issue this declaratory ruling pursuant to Alabama Board of Nursing Administrative Code, Chapter 610-X-1-.11.
2. The Petitioners are substantially affected by Code of Alabama, 1975, Section 34-21-1(3)(a) and (b) and Alabama Board of Nursing Administrative Code, Chapter 610-X-6-.06, Delegation by School Nurses, which serve to provide direction to registered nurses and licensed practical nurses regarding their scope of practice in a school setting with no guidance as to over-the-counter medications. Petitioners, all registered nurses practicing in the school setting, require a ruling from the Alabama Board of Nursing as to the interpretation of relevant Alabama law regarding their practice as it relates to administration of, and delegation of, over-the-counter medications to school children through twelfth grade.

RULING

It is not a violation of the Nurse Practice Act for a school nurse to administer over-the-counter medications to school children without a physician's authorization. Written parental authorization is required and shall include the purpose for the over-the-counter medication and the circumstances under which it should be administered. Nothing in this Order prohibits the local education agency from establishing a policy requiring physician authorization prior to administration of over-the-counter medications by school nurses. Nothing in this Order eliminates the requirement that school nurses exercise sound nursing judgment in determining the safety of over-the-counter medications for a particular student.

DONE and **ORDERED** this 24th day of September 2004.
ALABAMA BOARD OF NURSING

N. GENELL LEE, RN, MSN, JD
EXECUTIVE OFFICER