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# A BILL FOR AN ACT

RELATING TO EDUCATIONAL HEALTH SERVICES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that all medication  
2 requests to be administered by school health assistants are  
3 currently reviewed and must be approved by Hawaii department of  
4 health public health nurses. This process ensures that a health  
5 care professional has reviewed the medication request and  
6 determined that it is safe and appropriate for a student to  
7 receive treatment. For example, some medications would be best  
8 administered before or after school and other medications may  
9 not be allowed if a school health assistant is not qualified to  
10 assess the need for as-needed medication. Medication  
11 administration is part of the medication management process and  
12 requires clinical supervision by a health care professional,  
13 including a registered nurse, advanced practice registered  
14 nurse, physician assistant, or physician, to ensure the health  
15 and safety of students if unlicensed assistive personnel, such  
16 as school health assistants, are utilized.



1           The legislature also finds that some schools have a  
2 registered nurse, advanced practice registered nurse, or other  
3 specialized health care provider on campus through written  
4 agreements with the department of education. Partnerships with  
5 federally qualified health centers and the University of Hawaii  
6 at Manoa school of nursing have greatly improved access to  
7 health services for students at school and through telehealth.  
8 Student care would be more efficient, accessible, and safe if  
9 the administration of the medication could be performed with the  
10 approval of a health care professional within the department of  
11 education, department of health, or a health care service per a  
12 written agreement with the department of education. Existing  
13 law prevents health care professionals who are already on campus  
14 or in the school community from performing the function of  
15 medication approval.

16           The purpose of this Act is to:

- 17           (1) Allow administration of medications by school health
- 18           assistants at school with the approval of a health
- 19           care professional within the department of education,
- 20           department of health, or health care service per a
- 21           written agreement with the department of education;



1 (2) Match the existing department of education practice  
2 for administration of medication at schools; and

3 (3) Update the term "school health aides" to "school  
4 health assistants" to reflect updated job titles at  
5 the department of education.

6 SECTION 2. Section 88-21, Hawaii Revised Statutes, is  
7 amended by amending the definition of "year round school  
8 employee" to read as follows:

9 "Year round school employee": any teacher, school  
10 administrator, school health ~~[aide,]~~ assistant, educational  
11 assistant, school security attendant, or other salaried ten-  
12 month department of education employee working in a public  
13 school operating under a single-track restructured instructional  
14 schedule."

15 SECTION 3. Section 302A-708, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "[+]§302A-708 Career development opportunities.[+]" The  
18 department of education shall provide career pathways  
19 development and training opportunities to all school health  
20 ~~[aides]~~ assistants in the school health services field and other  
21 fields within the department of education to ensure the



1 opportunity for continued employment with the department of  
2 education."

3 SECTION 4. Section 302A-853, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "§302A-853 Administration of medication. (a) School  
6 health [~~aides~~] assistants may assist students by administering  
7 oral, nasal, and topical medication, and in emergency  
8 situations, other premeasured medication~~[+]~~, including but not  
9 limited to auto-injectable epinephrine for anaphylaxis,  
10 bronchodilators for asthma, and seizure rescue medication for  
11 seizure disorders; provided that:

- 12 (1) If the student receiving the medication is a minor, a  
13 parent or guardian requests and authorizes the  
14 administration of medication;
- 15 (2) The medication has been prescribed by a licensed  
16 physician, as defined in section 334-1, or by a  
17 practitioner with prescriptive authority;
- 18 (3) The administration of the medication is with the  
19 approval of [~~the department of health; and~~] a health  
20 care professional within the department of education,  
21 department of health, or health care service as



1 defined in section 323D-2 per a written agreement with  
2 the department of education; and

3 (4) The administration of the medication is necessary for  
4 the health of the student and for the student's  
5 attendance at school.

6 (b) For purposes of this section, "health care  
7 professional" means physicians, surgeons, and others licensed  
8 pursuant to chapter 453 and nurses licensed pursuant to chapter  
9 457."

10 SECTION 5. Section 302A-854, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 **"§302A-854 School health [~~aides,~~] assistants;**  
13 **compensation.** All full-time school health [~~aides~~] assistants  
14 employed in the department shall be employed and have their  
15 compensation fixed in accordance with chapter 76 and the  
16 appropriate collective bargaining agreement, executive order,  
17 executive directive, or rule."

18 SECTION 6. Section 457-13, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 **"§457-13 Exceptions.** This chapter does not prohibit:

21 (1) The furnishing of nursing assistance in an emergency;



- 1           (2) The practice of nursing that is incidental to the  
2           program of study engaged in by students enrolled in  
3           nursing education programs accredited by the board;
- 4           (3) The practice of nursing under a nonrenewable permit  
5           by:
- 6           (A) A graduate of; or
- 7           (B) An applicant who has provided proof that the  
8           applicant has completed the entire educational  
9           curriculum required for graduation for a nursing  
10          license from,  
11          a school that is in or under the jurisdiction of the  
12          United States, a territory, or a foreign jurisdiction,  
13          and whose accreditation is recognized by the board;  
14          provided that following completion of (A) or (B), the  
15          candidate takes the first licensing examination  
16          scheduled by any board of nursing recognized by the  
17          board and has submitted to the board an application  
18          for a license to practice nursing in the State; ~~and~~  
19          provided further that the permit shall be valid for  
20          three months or until the results of the licensing  
21          examination are received by the board;



1 (4) The practice of any legally qualified nurse of another  
2 state who is employed by the United States or any  
3 bureau, division, or agency thereof, while in the  
4 discharge of the nurse's official duties;

5 (5) The practice of nursing in connection with healing by  
6 prayer or spiritual means alone in accordance with the  
7 tenets and practice of any well recognized church or  
8 religious denomination[7]; provided that no person  
9 practicing [~~such~~] the nursing described in this  
10 paragraph claims to practice as a registered nurse or  
11 a licensed practical nurse; or

12 (6) The administration of oral and topical medication and  
13 in emergency situations, other premeasured medication,  
14 by school health [~~aides as provided in section 302A-~~  
15 ~~953-~~] assistants."

16 SECTION 7. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 8. This Act shall take effect on July 1, 2050.



**Report Title:**

Educational Health Services; Medication Administration; School Health Assistants; Exceptions

**Description:**

Allows the administration of medication to public school students by health assistants with the approval of a health care professional within the Department of Education, Department of Health, or a health care service per a written agreement with the Department of Education. Replaces the term "school health aides" with "school health assistants" to reflect recent changes to the job title. Effective 7/1/2050. (SD2)

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