
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 department of health
4 public health nurses. This process ensures that a health care
5 professional has reviewed the medication request and determined
6 that it is safe and appropriate for a student to receive
7 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 further 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. The current
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 the department of health, or a health care service per
21 a written agreement with the department of education;



1 (2) Amend statutes to match the existing department of
2 education practice for administration of medication at
3 schools; and

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

7 SECTION 2. Section 302A-708, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "[+]§302A-708 **Career development opportunities.** [}] The
10 department [~~of education~~] shall provide career pathways
11 development and training opportunities to all school health
12 [~~aides~~] assistants in the school health services field and other
13 fields within the department [~~of education~~] to ensure the
14 opportunity for continued employment with the department [~~of~~
15 ~~education~~]."

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

18 "§302A-853 **Administration of medication.** (a) School
19 health [~~aides~~] assistants may assist students by administering
20 oral and topical medication, and in emergency situations, other
21 premeasured medication; provided that:



- 1 (1) If the student receiving the medication is a minor, a
2 parent or guardian requests and authorizes the
3 administration of medication;
- 4 (2) The medication has been prescribed by a licensed
5 physician, as defined in section 334-1, or by a
6 practitioner with prescriptive authority;
- 7 (3) The administration of the medication is with the
8 approval of [~~the department of health; and~~] a health
9 care professional within the department, the
10 department of health, or a health care service as
11 defined in section 323D-2 per a written agreement with
12 the department; and
- 13 (4) The administration of the medication is necessary for
14 the health of the student and for the student's
15 attendance at school.

16 (b) For purposes of this section, "health care
17 professional" means a physician, a surgeon, and other
18 individuals licensed pursuant to chapter 453 and nurses licensed
19 pursuant to chapter 457."

20 SECTION 4. Section 302A-854, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "**§302A-854 School health [~~aides~~] assistants;**
2 **compensation.** All full-time school health [~~aides~~] assistants
3 employed in the department shall be employed and have their
4 compensation fixed in accordance with chapter 76 and the
5 appropriate collective bargaining agreement, executive order,
6 executive directive, or rule."

7 SECTION 5. Section 457-13, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§457-13 Exceptions.** This chapter does not prohibit:
10 (1) The furnishing of nursing assistance in an emergency;
11 (2) The practice of nursing that is incidental to the
12 program of study engaged in by students enrolled in
13 nursing education programs accredited by the board;
14 (3) The practice of nursing under a nonrenewable permit
15 by:
16 (A) A graduate of; or
17 (B) An applicant who has provided proof that the
18 applicant has completed the entire educational
19 curriculum required for graduation for a nursing
20 license from,



1 a school that is in or under the jurisdiction of the
2 United States, a territory, or a foreign jurisdiction,
3 and whose accreditation is recognized by the board;
4 provided that following completion of subparagraphs
5 (A) or (B), the candidate takes the first licensing
6 examination scheduled by any board of nursing
7 recognized by the board and has submitted to the board
8 an application for a license to practice nursing in
9 the State; [~~and~~] provided further that the permit
10 shall be valid for three months or until the results
11 of the licensing examination are received by the
12 board;

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

17 (5) The practice of nursing in connection with healing by
18 prayer or spiritual means alone in accordance with the
19 tenets and practice of any well recognized church or
20 religious denomination[~~τ~~]; provided that no person



1 practicing such nursing claims to practice as a
2 registered nurse or a licensed practical nurse; or
3 (6) The administration of oral and topical medication and
4 in emergency situations, other premeasured medication,
5 by school health [~~aides as provided in section 302A-~~
6 ~~853.~~] assistants."

7 SECTION 6. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 7. This Act shall take effect on June 30, 3000.



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, the 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 6/30/3000. (HD1)

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