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ADVISORY OPINION # 50

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QUESTION: Is it within the role and scope of a licensed nurse practicing in a school setting to select, train, determine competency and evaluate unlicensed school personnel in the provision of treatments and the administration of medications required to meet a specific student's needs in the event that a medical emergency occurs when a licensed nurse is not readily available?

The South Carolina State Board of Education Regulations regarding qualifications, duties and workloads of professional personnel working in school settings require school nurses to hold a current license issued by the State Board of Nursing and also require school administrators to set duties and responsibilities for the nurse that are in accordance with the laws and regulations governing nursing in South Carolina (Section 43-205).

The South Carolina Board of Nursing recognizes that in school districts where the school nurse is responsible for more than one school it is difficult, at best, to insure the safe and legal administration of medication, provision of quality nursing services, and assessment and planning for the healthcare needs of individual students in order to support their education in the least restrictive environment. The Board is aware that, increasingly, students with chronic health conditions and who may be medically fragile attend school. The Board also recognizes the often complex health care needs of students in regular as well as special education classrooms. It is because of the frequent need for specialized healthcare for students during regular school hours that the Board recommends that school districts in South Carolina make it a priority to employ at least one licensed school nurse for each school. In view of the ongoing and growing need for provision of preventive, as well as restorative, maintenance, and emergency healthcare to students and staff, assistance to parents in the healthcare of their children, and development of coordinated school health programs, it is increasingly difficult for school districts to adequately

support the academic achievement of all students. The presence of a school nurse in each school is a reasonable expectation for the safe provision of quality school health services for students and staff.

The laws governing nursing in South Carolina do not prohibit an unlicensed person from rendering nursing assistance in case of an emergency [1976 SC Code of Laws, Section 40-33-30 (D)(3), recently enacted May 11, 2004]. Thus, it is the opinion of the Board of Nursing that the registered nurse (RN) assigned to a school or the licensed practical nurse (LPN) assigned to a school in consultation with the RN responsible for the LPN's clinical supervision, may select, train, determine competency and evaluate unlicensed school personnel in the provision of treatments and administration of medications that may be required to meet a specific student's needs in the event that a medical emergency occurs when a licensed nurse is not readily available.

The skills taught to unlicensed school personnel by the licensed nurse are to be used only for meeting the emergency needs of the specific student(s) for which training has been provided. The skills may be used only at school or school related functions and are not transferable to other settings. The unlicensed school employees trained may not delegate the tasks to others or supervise others in performing the tasks.

The South Carolina Board of Nursing has adopted the following guidelines as minimally acceptable standards for licensed nurses to follow.

A. Definitions

1. Medical Emergency: A medical emergency is defined as a sudden, urgent, unforeseen occurrence requiring immediate action in order to prevent disability or death. Medications and treatments scheduled for provision according to a routine schedule are not considered medical emergencies.
2. Evaluation: Evaluation of the unlicensed school employee trained by the licensed nurse refers to observing and directing the performance of the unlicensed school employee in the provision of the treatments and/or medications for which the licensed nurse has provided training and determined competency.
3. Unlicensed School Personnel / Unlicensed School Employee: Unlicensed school personnel are employees of a school district who are not currently licensed to practice nursing by the South Carolina Board of Nursing.

B. Determination of Training Appropriateness

1. The RN assigned to the school shall determine if the nursing services required for meeting the needs of a student may be provided safely by unlicensed school personnel.
2. To determine if training of unlicensed school personnel is appropriate the RN shall consider the following:
 - whether the nursing service is delegable according to the laws governing nursing practice;
 - the outcome for the student if the nursing service is not provided promptly;
 - whether the student's condition is stable and predictable;
 - the nature and complexity of the nursing service;
 - the risk to the student if the nursing service is provided inappropriately or incorrectly;

- the necessary knowledge, skills and abilities needed to perform the nursing service;
 - the competency and availability of unlicensed school personnel;
 - whether the outcome anticipated is stable and predictable; and
 - the number of unlicensed school personnel that can safely be evaluated by the licensed nurse.
3. The RN shall consult with the student's healthcare practitioner, as appropriate, to determine if complicated emergency treatments or potent emergency medications may be provided safely by unlicensed school personnel.
 4. A school administrator or his/her designee cannot by law require a school nurse to delegate the practice of nursing in any way that is contrary to the requirements of the Nurse Practice Act, nor can a school administrator or his/her designee who is not a licensed nurse legally delegate nursing tasks. The licensed nurse cannot legally be required by unlicensed persons to delegate the practice of nursing, nor to delegate nursing tasks to UAP where, in the nurse's judgment, the safety of the student would be endangered.

C. Selection of Unlicensed Persons to Assist Students in the Event of a Medical Emergency

1. The RN assigned to a school or the LPN in consultation with his/her RN supervisor should work with the school's administrator or his/her designee to identify staff members or faculty who voluntarily agree to assist a student in the event that a medical emergency related to the student's documented medical diagnosis occurs when a licensed nurse is not readily available.
2. Training may be offered to all staff or faculty members who volunteer. However, the RN will recommend only those trainees who complete the training and pass the outlined competency requirements to the school administrator or his/her designee for assignment to provide nursing services to a student in the event that a medical emergency related to the student's documented medical diagnosis occurs when a licensed nurse is not readily available.
3. The school administrator or his/her designee, with written authorization from a student's parent(s) or legal guardian(s), may assign one or more of the individuals recommended by the RN the duties of providing specific nursing services for a student in the event of a medical emergency.
4. With the recommendation and approval of the RN assigned to the school, an unlicensed school employee may be trained to provide specific nursing services required in the event of medical emergencies for more than one student.

D. Training & Determining Competency

1. A RN must provide the initial training and competency determination of unlicensed school employees. A licensed nurse may train and determine competency of unlicensed school personnel to respond to a particular student's needs in the event that specific medical emergency situations occur when a licensed nurse is not readily available, if the school district has:
 - a written policy that authorizes the training of unlicensed school personnel by a licensed nurse and provides for error reporting and error tracking, and
 - written procedures outlining task specific trainings and quality assurance measures including competency determination, post-emergency evaluation, error reporting, and error tracking.

2. Training updates that include procedural changes shall be treated as an initial training and, therefore, must first be provided by the RN. If there are no procedural changes, the RN may delegate to a LPN the performance of training updates. The RN may also delegate to a LPN the periodic reevaluation of an unlicensed school employee's competency, after the RN has determined the competency of the LPN to provide the necessary training, observations and testing for competency. The RN should develop a checklist for the LPN to use during the reevaluation process.
3. Training for unlicensed school employees may include the administration of medications that have been prescribed by a student's healthcare provider for use during medical emergencies.
4. An unlicensed school employee may be trained to meet the needs of more than one student. If the unlicensed person will be assigned responsibility for more than one student, the training must include content that focuses on the individual needs of each student for which the unlicensed person will provide care.
5. The instructional plan must include:
 - Step by step instructions and rationale for the task;
 - Return demonstration of the task to evaluate competency and to assure accuracy and safety;
 - An evaluation of knowledge related to the task to measure understanding of pertinent concepts;
 - Provision of written instructions as a reference;
 - A plan for seeking emergency assistance from qualified medical personnel;
 - A plan for ongoing evaluation of student outcomes by a RN;
 - Documentation of instruction provided and a plan for training updates at least annually; and
 - Documentation of initial competency and periodic re-evaluation of competency at least annually.
6. Upon completion of all training sessions, the licensed nurse providing the training must advise trainees that the skills taught are to be used only for meeting the needs of the specific student(s) for which they have been assigned to provide emergency care when a licensed nurse is not readily available at school or school related functions and are not transferable to other settings. The unlicensed school employees trained cannot delegate the tasks to others or supervise others in performing the tasks.
7. If a portion of the training involves course content for which the licensed nurse is certified to teach to unlicensed persons (e.g., first aid, cardiopulmonary resuscitation instruction, and use of automated external defibrillators) and the licensed nurse provides the training according to the specifications of the certifying body, that portion of the training is transferable to other settings and the nurse will provide the trainee with the appropriate certificate.

E. Evaluation

1. The RN shall maintain a training file on each school employee trained.
2. The RN shall ensure that the competencies of unlicensed school employees trained to assist a student in the event of a medical emergency are re-evaluated at least annually and that training updates of procedural changes are offered in a timely manner.
3. The RN may delegate training updates that do not include procedural changes and periodic re-evaluations of an unlicensed person's competency to a LPN after the RN has determined and documented that the LPN is competent to provide the training and

complete the necessary observations and tests for determining competency. The RN should develop a checklist for the LPN to use during the re-evaluation process.

4. Should an emergency occur that requires a response from a trained unlicensed person, the RN must be notified and the RN shall perform a post-procedural review. If the results of the post-procedural review indicate that the expected quality of care was not met, the RN must intervene by providing additional instruction or advising the school administrator or his/her designee to rescind the assignment. The licensed nurse should document the results of the procedural review in the school employee's training file.

This statement is an advisory opinion of the Board of Nursing as to what constitutes competent and safe school nursing practice.