



INSULIN ADMINISTRATION IN PUBLIC SCHOOLS

The court decision has been issued in the lawsuit filed by the American Nurses Association (ANA), ANA-California, California Nurses Association, and the California School Nurses Organization (Petitioners) against the California Department of Education (DOE) (Respondent). Petitioners challenged DOE's Legal Advisory, which provided that, under specified conditions, unlicensed persons not authorized by California law could administer insulin to students in public schools. The decision affirms the Petitioners' position that administration of insulin is a nursing function that cannot be performed by unlicensed individuals unless specifically authorized by statute. The decision reads in pertinent part:

“Respondents' Legal Advisory on Rights of Students with Diabetes in California K-12 Public Schools is invalid and has no force or effect to the extent that it authorizes the administration of insulin to students by school personnel who are not health care professionals licensed to administer insulin within the scope of their practice under the Business and Professions Code or other persons authorized by statute to administer insulin. Respondents lack legal authority under state and federal laws to enlarge the group of persons who may administer insulin under state statutes. In addition, respondents have not complied with the rule-making requirements of the Administrative Procedure Act in authorizing the administration of insulin to students by school personnel who are not authorized to administer insulin under state statutes, an authorization constituting a regulation within the meaning of the APA.”

The decision is also consistent with the Board of Registered Nursing's position on this issue.

References

You can view all documents on this case at www.saccourt.com, online services/view civil and probate case info, Case #: 07AS04631