

If possible, all student medications should be given at home. However, if it is necessary for medications to be administered in the school setting, they shall be administered in compliance with all applicable statutes, rules, regulations, and medical safeguards. .

This policy applies to prescription medications, nonprescription (i.e., over-the-counter) medications, and medical cannabis. Medication shall be dispensed only according to this policy. The District reserves the right, in accordance with procedures established by the Superintendent, to circumscribe or disallow the use or administration of any medication on school premises if the threat of abuse or misuse of the medicine may pose a risk of harm to a member or members of the student population. The District shall not be liable for injuries or accidents arising from the proper implementation of policy, regulation and a medication administration plan, since the final responsibility for administration of student medications lies with the parent, the student, and the treating health care practitioner. The District shall not be liable for any improper administration of medication when a parent/guardian and/or student has not complied with this Policy, and/or applicable law.

I. Definitions

- a. “Certifying practitioner” means a health care practitioner who is licensed in New Mexico to diagnose a qualified patient and recommend medical cannabis as a course of treatment for a qualified student.
- b. “Designated school personnel” means a school employee authorized by the District to possess, store, and administer medical cannabis to a qualified student in accordance with the provisions of this policy, and state laws and administrative regulations.
- c. “Health care practitioner” means a person authorized under New Mexico law to prescribe drugs medication for the treatment of associated medical conditions.
- d. “Medical cannabis” means cannabis:
 - i. Recommended for treatment of a debilitating medical condition as defined in the Lynn and Erin Compassionate Use Act, in a written certification by a certifying practitioner;
 - ii. Dispensed by a cannabis producer that has received approval from the New Mexico Department of Health to conduct sales of medical cannabis;
 - iii. Is in the form of a capsule, extract, or concentrate to be ingested through the mouth that:
 1. may be safely divided into measurable doses;
 2. is not an aerosol product consumable through smoking or in particulate form as a vapor or by burning;
 3. is not a food or beverage product;
 4. is not a salve, balm, or other topical product;
 5. does not require refrigerated storage; and
 - iv. Is provided to a school in package or container clearly labeled with:
 1. the student’s name and date of birth; and
 2. the recommended dosage allotment.
- e. “Medication” means a drug as that term is defined in Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) and includes inhaled bronchodilators, inhaled corticosteroids and auto-injectable epinephrine;
- f. “Prescription” means a qualified health care practitioner’s written information, affixed to the dispensing container of a medication and which includes, at a minimum: (a) name of the medication; (b) date of prescription and prescription number; (c) name of the

- student for whom the medication is prescribed; (d) name of the prescribing health care practitioner; and (e) dosage and time of administration.
- g. “Primary caregiver” means a parent or legal guardian.
 - h. “Qualified patient” means a person who has:
 - i. Been diagnosed by a certifying practitioner;
 - ii. Received written certification from a certifying practitioner; and
 - iii. Is currently enrolled in the New Mexico department of health’s medical cannabis program and has received a current and valid registry identification card pursuant to the Lynn and Erin Compassionate Use Act.
 - i. “Qualified student” means a student who demonstrates evidence to the school that the student is authorized as a qualified patient pursuant to the Lynn and Erin Compassionate Use Act to carry and use medical cannabis.
 - j. “Self-administering” means student’s authorized discretionary use of his or her prescribed medication(s), pursuant to a prescription or written direction from a health care practitioner and in accordance with District policy and procedures.
 - k. “School setting” means any of the following locations during a school day:
 - i. A school building;
 - ii. A school bus used within the state during, in transit to, or in transit from a school-sponsored activity;
 - iii. A public vehicle used within the state during, in transit to, or in transit from a school-sponsored activity in the state; or
 - iv. A public site in the state where a school-sponsored activity takes place.
 - l. “Written certification” means a statement written by a qualified student’s certifying practitioner, which is not valid for more than one year from the date of issuance:
 - i. In a qualified student’s medical records or in the written treatment plan statement;
 - ii. Certifying that the qualified student has a debilitating medical condition pursuant to the Lynn and Erin Compassionate Use Act;
 - iii. Certifying that the certifying practitioner believes that the potential health benefits of the medical use of cannabis would likely outweigh the health risks for the qualified student; and,
 - iv. Signed by the certifying practitioner.
 - m. “Written treatment plan” means a document developed by the primary caregiver in collaboration with the certifying practitioner that:
 - i. Includes the certifying practitioner’s diagnosis and description the qualified student’s debilitating medical condition per the Lynn and Erin Compassionate Use Act;
 - ii. Describes the plan for recommended treatment with medical cannabis, including:
 - 1. The recommended dosage allotment;
 - 2. The recommended frequency of administration of medical cannabis in a school setting; and
 - 3. Is signed by the primary caregiver and the certifying practitioner.

II. Implementation

- a. **Authorization Forms.** Prescription medication may be administered to District students upon receipt of written authorization by the parent, subject to the conditions and procedures set forth in this policy and regulation. An authorization form to administer prescription medications must be signed annually by a licensed health

care practitioner with prescriptive rights and by the parent/guardian. In addition, a new authorization form is required for each medication to be administered in the school setting and each time changes occur in the medication or dosage, including the written request for discontinuation of medication by the parent/guardian. The Public Education Department licensed school nurse (“School Nurse”) shall review every authorization form to ensure compliance with the authorization form’s requirements.

- b. **Method of Administering Prescription Medication.** It is essential that the School Nurse is involved in establishing the medication administration plan for each student who must receive prescription medication at school. Clear and explicit written communication between the prescribing health care practitioner, parent/guardian, and the School Nurse will be an essential component for prescription medication administration to occur in the school setting. In addition, the student shall be given written and verbal instructions from his/her prescribing health care practitioner regarding his/her own individual medication plan, consistent with the student’s age and level of ability/understanding. The School Nurse shall review these written instructions with the student and his/her parent/guardian.

The following three options shall be considered by the Nurse Coordinator when developing procedures for administering prescription medication at school, pursuant to the Authorization Form:

- i. **Administration of Prescription Medication by the School Nurse.** This option requires the School Nurse to assist with or administer any and all prescription medications. If a student is either too young or incapable of administering his/her own prescription medication, arrangements must be made with the School Nurse to administer the medication to the student.
- ii. **Supervised Self-Administration.** When the School Nurse is unable to assist or administer a prescription medication to a student who requires supervision when taking medication, an authorized person will provide the proper prescription medication container to the student and will supervise the student’s self-administration of his/her medication at the specified time. The School Nurse shall review each plan of supervised self-administration of medication.
- iii. A parent can come to school and administer to the student.
- iv. **Self-Administration.** Where self-administration of prescription medication is authorized by the parent and health care practitioner, in accordance with policy, the student must be instructed by the health care practitioner regarding correct and responsible use of his/her medication. The student must also demonstrate to the health care provider and the school nurse or other school official the skill level necessary to use the medication and any device that is necessary to administer the medication as prescribed, and in accordance with the health care provider’s written treatment plan. Consistent with state regulation, parents of students who self-administer medication shall confirm in writing that the school district shall incur no liability as a result of injury arising from self-administration of the student’s medication.

In general, this provision applies to a student who has a medical diagnosis of asthma or an anaphylaxis-associated medical condition, and who complies with the New Mexico Administrative Code to self-assess, carry and self-administer related and prescribed medication(s) in accordance with administrative regulations and District policy and regulations. . However, the school nurse, in cooperation with the student's prescribing health care practitioner and parent/guardian may authorize the self-administration of other prescription medications when appropriate and necessary.

A student may carry and self-administer prescription medication if the following conditions are met:

1. The student's health care practitioner has prescribed the medication for use by the student during school hours and has instructed the student in the correct and responsible use of the medication;
2. The student has demonstrated the skill level necessary to use the medication and any device that is necessary to administer the medication to the student's health care practitioner and the school nurse or other school official who is a public education department licensed health care practitioner;
3. The school nurse, in cooperation with the health care practitioner, formulates a written treatment plan for managing any asthma or anaphylaxis episodes of the student, and for medication use by the student during school hours; and
4. The parent/guardian has provided all required documentation to the school nurse, including, but not limited to, a signed Authorization to Administer Prescription Medication form and the health care practitioner's written instructions or treatment plan. At no time shall students self-administer controlled substances, as defined in Schedules I through V of the Controlled Substances Act.

The District (including its employees and agents) shall not incur any liability as a result of any injury arising from the student's transport and self-administration of medication and the parent/guardian shall indemnify and hold harmless the District (including its employees and agents) against any claim arising out of the student's transport and self-administration of medication.

- c. **Nonprescription (Over-the-Counter) Medication.** Students may receive nonprescription over-the-counter (OTC) medication, providing that the parent/guardian has submitted a signed authorization form for the administration of nonprescription medication and supplied the School Nurse with the medication in the manufacturer's original packaging. The Nurse Coordinator may develop procedures by which the School Nurse may administer nonprescription OTC medication without a signed authorization only where: (a) the School Nurse believes in his/her professional judgment that administering the nonprescription medication will alleviate the student's condition; and, (b) the School Nurse obtains telephonic permission from the parent/guardian prior to administering the OTC medication. The telephonic permission

must be witnessed by at least one other person, and all parties witness thereto must document that permission was given and sign the documentation form.

- d. **Medical Cannabis.** The District authorizes the possession, storage, and administration of medical cannabis by a primary caregiver to qualified students for use in school settings; District personnel may administer medical cannabis to a qualified student. Medical cannabis to be possessed, stored and administered pursuant to this policy may only take the form of a non-refrigerated capsule, extract, or concentrate that is ingested orally and that is not inhaled in particulate form as a vapor or by burning

In addition:

- i. No student may possess, store or self-administer medical cannabis in a school setting;
- ii. No student may possess, use, distribute, sell or be under the influence of a cannabis product in a manner that is inconsistent with the provisions of 22-33-5 NMSA 1978.
- iii. A parent or legal guardian shall not administer medical cannabis in a manner that creates disruption to the educational environment or causes other students to be exposed to medical cannabis;
- iv. Before the first administration of medical cannabis in a school setting, the qualified student's parent or legal guardian completes and submits the following required documentation:
 1. A written treatment plan for the administration of the medical cannabis must be prepared by the student's certifying practitioner, and approved by the Campus Principal, affirming the student's qualifying debilitating medical condition, providing the recommended dosage allotment and frequency of administration, and signed by the primary caregiver and the certifying practitioner;
 2. A copy of the qualified student's written certification for use of medical cannabis as required by the Lynn and Erin Compassionate Use Act; and
 3. A written statement from the qualified student's parent or legal guardian releasing the school and school personnel from liability, except in cases of willful or wanton misconduct or disregard of the qualified student's treatment plan.

A qualified student's written certification and a written treatment plan shall be valid for no more than one year from the date of issuance and shall be presented to the school at, or prior to, the beginning of the school year for which the written certification and written treatment plan shall apply, or prior to the date the student begins attendance at the District.

Pojoaque Valley Schools shall not:

- i. Discipline a student who is a qualified student on the basis that the student requires medical cannabis as a reasonable accommodation necessary for the student to attend school;
- ii. Deny eligibility to attend school to a qualified student on the basis that the qualified student requires medical cannabis as a reasonable accommodation necessary to attend school or a school sponsored activity; or
- iii. Discipline a school employee who refuses to administer medical cannabis.

If the federal government indicates that the District's federal funds are jeopardized by this policy, this policy shall be suspended immediately and the administration of any form of medical cannabis to qualified students on school property, on a school bus or at a school-sponsored event shall not be permitted. The district shall post notice of any such policy suspension and prohibition in a conspicuous place on its website. Such determination would be appealable by any parent to the Secretary of Public Education, based on rules established by the Public Education Department.

- e. **Field Trips.** If a student must receive prescription or OTC medication while on a school-sponsored field trip, it is the parent/guardian's responsibility to notify the School Nurse and the student's teacher that the student will require medication during the field trip. The School Nurse should work with the student's teacher and parent/guardian to develop a plan for administering the medication.

If a qualified student's written treatment plan requires administration of medical cannabis on in-state field trips or school sponsored-events, the qualified student's primary caregiver must transport and administer such medical cannabis. Such transportation and administration may not disrupt the educational environment or causes other students to be exposed to medical cannabis. No student or primary caregiver may possess, use, distribute, sell or be under the influence of a cannabis product in a manner that is inconsistent with the provisions of state law, district policy and district regulation.

5. **Emergency Medications.** Schools are not emergency care centers, however, the School Nurse shall develop an emergency medication plan to c o n t a c t e m e r g e n c y m e d i c a l a u t h o r i t i e s a n d t o a d d r e s s t h e a d m i n i s t r a t i o n o f e m e r g e n c y m e d i c a t i o n s b y t h e S c h o o l N u r s e o r , i n h i s / h e r a b s e n c e , a n a u t h o r i z e d i n d i v i d u a l . T h e e m e r g e n c y m e d i c a t i o n p l a n s h a l l b e d e v e l o p e d w i t h c o n s i d e r a t i o n o f t h e s t u d e n t ' s s a f e t y a n d t h e s c h o o l ' s c a p a b i l i t y t o a d m i n i s t e r e m e r g e n c y m e d i c a t i o n .

6. **Provision of Medication; Medication Storage.** A parent/guardian must provide prescription medications to the School Nurse directly; s t u d e n t s a r e n o t p e r m i t t e d t o t r a n s p o r t p r e s c r i p t i o n m e d i c a t i o n s t o s c h o o l . P r e s c r i p t i o n m e d i c a t i o n s , t h e p a r e n t / g u a r d i a n m u s t p r o v i d e t h e S c h o o l N u r s e e a c h m e d i c a t i o n i n i t s o w n p h a r m a c y - l a b e l e d c o n t a i n e r w i t h t h e n a m e o f t h e m e d i c a t i o n , s t r e n g t h a n d c u r r e n t d o s a g e , s c h e d u l e d a d m i n i s t r a t i o n , n a m e o f t h e s t u d e n t a n d n a m e o f t h e p r e s c r i b i n g h e a l t h c a r e p r a c t i t i o n e r .

For non-prescription OTC medications, the parent/guardian must provide the medication to the School Nurse in the manufacturer's original packaging that contains the age/weight/dosage ratios and administering instructions. Prescription and OTC medications shall be stored in a central location within a locked cabinet. The District is not responsible for loss or damage of medications due to theft. At the end of the school year, or at the time of a student's early withdrawal from school, the unused prescription medication shall be returned to the parent/guardian or disposed of in accordance with the School Health Manual Procedures.

Upon receipt of the proper documentation, a primary Caregiver of a qualified student shall be assigned a secure locking container for the current school year, in an area designated by the Superintendent or Superintendent's designee. A parent or legal guardian will create his/her own password for the storage contained and may store no more than the amount of cannabis necessary

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to fulfill the qualified student's treatment plan for one week, in its original, sealed packing or container, in the assigned safe. All packaging must contain the percent of CBD and THC in the medication, as well as the total volume or weight of the medication. No District personnel shall store medical cannabis.

7. **Documentation and Record Keeping.** The School Nurse shall develop procedures for documenting the administration of medication to each student who receives medication at school. Documentation shall be made in ink or electronically and signed by each person who administers or supervises the self-administration of medication. Procedures also shall be developed to address the documentation of medication errors, missed doses of medication, and the maintenance and administration of controlled substances, as the term is defined in Schedules I through V of the Controlled Substances Act. The medication log and accompanying documentation shall become a part of the student's permanent health record for the parent/guardian and health care practitioner and shall be maintained in accordance with the confidentiality requirements of state and federal laws. In the event of spillage or waste of medical cannabis in the school setting, on that same day, the primary caregiver must be notified and must clean up and remove the cannabis completely and document same. A primary caregiver must pick up all unused medical cannabis at the end of each school year, and/or upon a qualified student's disenrollment, withdrawal, transfer, or graduation.

8. **Training.** The District shall provide annual training on the District's medication administration policy and procedures, including those related to medical cannabis.