

BILL ANALYSIS

Senate Research Center

S.B. 920
By: Sparks
Education K-16
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In the summer of 2024, many school districts reached out because there was confusion about whether licensed nurses working in schools were violating the Nursing Practice Act by administering over-the-counter medications to students. In August of 2024, the Texas Board of Nursing released a statement saying the Nursing Practice Act was "silent on the universal and standard use of safe over-the-counter medications when the parent or guardian appropriately authorizes the treatments option to be administered by a school nurse." Additionally, the Texas Board of Nursing did state, "administering over-the-counter medication without a valid order falls outside the scope of vocational and professional nursing practices." Under Section 22.052 of the Texas Education Code, school district employees are able to administer over-the-counter medications, such as Tylenol, Benadryl, and Vaseline, if they receive written permission from a student's guardian and the medication is in the original container. Licensed school nurses raised concerns that they would be risking their license if they continued to administer these medications to students. Some were told that school nurses would need a standing order or doctor's prescription to continue administering these drugs. This imposes an unnecessary burden on students and families. Texas should clarify in statute that nurses can continue to do what they have been doing for years: administering over-the-counter medications to children if they have (1) the parent's permission and (2) the medication is in its original container. S.B. 920 clarifies that licensed nurses can continue administering over-the-counter medication. Additionally, S.B. 920 clarifies that private schools and charter schools are included in the immunity from liability provisions that previously were only clearly in reference to public school employees.

S.B. 920 amends current law relating to the administration of nonprescription medications to certain public and private school students.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Board of Nursing is modified in SECTION 3 (Section 301.151, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 22.052, Education Code, to read as follows:

Sec. 22.052. ADMINISTRATION OF MEDICATION BY SCHOOL DISTRICT, OPEN-ENROLLMENT CHARTER SCHOOL, OR PRIVATE SCHOOL EMPLOYEES OR VOLUNTEER PROFESSIONALS; IMMUNITY FROM LIABILITY.

SECTION 2. Amends Section 22.052, Education Code, by amending Subsections (a) and (b) and adding Subsection (a-1), as follows:

(a) Provides that, on the adoption of policies concerning the administration of medication to students by school district, open-enrollment charter school, or private school employees, the school district, open-enrollment charter school, or private school, its board of trustees or other governing body, as applicable, and its employees are immune from civil liability and administrative disciplinary action for damages or injuries resulting from the administration of medication to a student if:

(1) the district or school, rather than the school district, has received a written request to administer the medication from the parent, legal guardian, or other person having legal control of the student; and

(2) when administering prescription medication, the medication is administered either:

(A) from a container that appears to be the original container and properly labeled; or

(B) from a properly labeled unit dosage container filled by a registered nurse or another qualified district or school employee, as determined by the policy adopted under this subsection, rather than as determined by district policy, from a container described by Paragraph (A).

Makes nonsubstantive changes to this subsection.

(a-1) Authorizes a policy adopted under Subsection (a) to permit a school district, open-enrollment charter school, or private school employee, including a nurse, to administer nonprescription medication to a student without further authorization or written protocol from the student's health care provider if:

(1) the district or school has received a written request to administer the medication from the parent, legal guardian, or other person having legal control of the student;

(2) the medication is unexpired and administered from a container that appears to be the original container and properly labeled; and

(3) the dose administered is consistent with the instructions on the container's label.

(b) Authorizes the board of trustees or other governing body, as applicable, to allow a licensed physician or registered nurse who provides volunteer services to the school district, open-enrollment charter school, or private school and for whom the district or school provides liability insurance, to administer to a student nonprescription medication or medication currently prescribed for the student by the student's health care provider, rather than by the student's personal physician.

SECTION 3. Amends Section 301.151, Occupations Code, to create an exception under Section 22.052, Education Code.

SECTION 4. Effective date: September 1, 2025.