

BILL ANALYSIS

S.B. 920
By: Sparks
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that this past summer, a question was raised to the Texas Board of Nursing about whether licensed school nurses were violating the Nursing Practice Act by providing over-the-counter medications to students and that this year, some school nurses were told they additionally needed an order from a child's primary physician to administer these medications. The bill sponsor has informed the committee that there is a lack of clarity about the application of the law on the subject of administering medications to students. S.B. 920 seeks to clarify how medications may be administered in schools.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 920 amends the Education Code to establish that a private school or open-enrollment charter school, its governing body, and its employees, on the adoption of policies concerning the administration of medication to students, are immune from civil liability and administrative disciplinary action for damages or injuries resulting from the administration of medication to a student under the following conditions:

- the school has received a written request to administer the medication from the parent, legal guardian, or other person having legal control of the student; and
- when administering prescription medication, the medication is administered either from a container that appears to be the original container and properly labeled or from a properly labeled unit dosage container filled by a registered nurse or another qualified school employee, as determined by school policy, from the original container.

S.B. 920 authorizes a policy concerning the administration of medication 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:

- 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;
- the medication is unexpired and administered from a container that appears to be the original container and properly labeled; and
- the dose administered is consistent with the instructions on the container's label.

S.B. 920 replaces the student's personal physician with the student's health care provider as the prescribing authority for prescription medication that a licensed physician or registered nurse is authorized to administer by a governing body of a school district, open-enrollment charter school, or a private school. The bill authorizes the governing body of an open-enrollment charter school or private school to authorize a licensed physician or registered nurse who provides volunteer services to the charter school or private school and for whom the charter school or private school provides liability insurance to administer nonprescription and prescribed medication to a student.

S.B. 920 amends the Occupations Code to exclude provisions relating to the administration of medication by a district, charter school, or private school from the Texas Board of Nursing's discretion to adopt and enforce rules necessary to determine whether an act constitutes the practice of professional nursing or vocational nursing.

EFFECTIVE DATE

September 1, 2025.