

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:30 p.m. on February 15, 2011, in Room 152-S of the Capitol.

All members were present except:

Senator Bob Marshall - excused

Committee staff present:

Sharon Wenger, Kansas Legislative Research Department
Laura Younker, Kansas Legislative Research Department
Jason Long, Office of the Revisor of Statutes
Eunice Peters, Office of the Revisor of Statutes
Dale Dennis, Deputy Commissioner, Kansas Department of Education
Dorothy Gerhardt, Committee Assistant

Conferees appearing before the Committee:

Senator Oletha Faust-Goudeau
Joni Bradley, Peace & Social Justice Center of South Central Kansas
Doug Everingham
Monica Guilliams, USD #402
Debra Cullom
Mark Tallman, KASB
Dr. Dennis Cooley, President, Kansas Chapter, American Academy of Pediatrics (written only)
Mandy Pilla, Wichita
Cindy Galemore, USD #233
Diane Gjerstad, USD #259 (written only)
Debra Billingsley, Executive Secretary, KS State Board of Pharmacy (written only)

Others attending:

See attached list.

Hearing on **SB 51 - School districts; requiring only parental consent to dispense over-the-counter medication to students.**

Jason Long, Office of the Revisor of Statutes, appeared before the committee with a brief summary of the proposed legislation. **SB 51** would authorize a school district to adopt policies for dispensing of medication to students. The bill would allow students to be given over-the-counter medication in the recommended dosage provided the school has obtained written consent from the parent or legal guardian. However, the bill would not require a school district to obtain a health care provider's written authorization prior to dispensing over-the-counter medications or to require a school nurse or other school employee to dispense over-the-counter medications, other than as recommended on the label of the medication package.

Senator Oletha Faust-Goudeau appeared before the committee in support of **SB 51** (Attachment 1). She stated this legislation would provide another tool for school nurses to assist students with health needs enabling them to remain in class. She also stated the passage of this legislation would help students of families who are uninsured/underinsured and do not have access to a physician to get authorization for over-the-counter medications for minor first aid needs during school hours. Speaking from personal experience, she stated it would have been convenient for her had the nurse been able to provide the over-the-counter medication with only her consent.

Joni Bradley, Peace & Social Justice Center of South Central Kansas, provided testimony also in support of the legislation (Attachment 2). She stated that as a former school nurse, she had seen many times the value of allowing parental consent for administration of over-the-counter medication during school hours. She provided a copy of the consent form being used by USD #402 which contains a disclaimer releasing school nurses from liability, a form used by many camps and summer classes.

Other conferees providing testimony in support of **SB 51** included Doug Everingham (Attachment 3), Monica Guilliams, USD #402 (Attachment 4), Debra Cullom (Attachment 5), Mark Tallman, KASB (Attachment 6), and Dr. Dennis Cooley, Pres., KS Chapter, American Academy of Pediatrics (written

CONTINUATION SHEET

Minutes of the Senate Education Committee at 1:30 p.m. on February 15, 2011, in Room 152-S of the Capitol.

only) ([Attachment 7](#)).

Mandy Pilla, Wichita, a former school nurse, provided testimony in opposition to **SB 51** ([Attachment 8](#)). She stated most school districts already had a policy in force for their district, one developed by assessing the benefit/risk ratio for their student population. She stated this bill does not allow that type of local control to continue for school districts and what works in one school district may be totally inappropriate in others.

Cindy Galemore, USD #233, also provided testimony in opposition to **SB 51** ([Attachment 9](#)). Her testimony included the statement that the Olathe school district, a district of over 28,000 students, had not received a complaint concerning the district's over-the-counter policy within the past two years and they are opposed to legislation that mandates a district have a policy regarding OTC administration.

Diane Gjerstad, USD #259 (written only) ([Attachment 10](#)) and Debra Billingsley, Executive Secretary, Kansas State Board of Pharmacy (written only) ([Attachment 11](#)) each provided testimony in opposition to the proposed legislation.

Following committee discussion, the hearing on **SB 51** was closed.

The next meeting is scheduled for February 16 , 2011.

The meeting was adjourned at 2:30 p.m.