

Mark Desetti Testimony  
Committee on Health and Human Services  
Thursday, January 29, 2004

Thank you for the opportunity to appear before you today to speak on House Bill 2478. My name is Mark Desetti and I represent the Kansas NEA.

We believe that the intent behind this bill is simply to ensure that students, in emergency situations, receive medical attention that is life-saving. In emergency situations, we agree with the intent.

Section 3 (d) protects that school district, school, and school personnel from liability and we think that is essential. If a student must self-medicate and the requisite permissions are on file, then indeed the district, school, and personnel must never be held liable when things go wrong.

But there are other liability questions that need to be addressed.

First, in the case particularly of “epinephrine auto-injectors,” what will protect the school or school personnel should these items be exchanged or not disposed of properly. In the wrong hands they are dangerous and care must be taken to control access to them both prior to use and after use. I wonder how the liability protections in this bill would address this situation.

For medications that are “regularly administered” is it not better that they be kept controlled in the nurse’s office?

Secondly, while the bill requires that statements from health care providers and students be kept on file in either the nurse’s office or the principal’s office, there is no requirement that the teachers with whom the student comes in contact be informed of the permission to self-medicate. We believe that if this bill is passed, it is critical that school personnel know for whom such permission has been granted. An uninformed school employee might intervene with a student and unwittingly cause the very crisis that this bill attempts to address.