

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

House Bill 143

(Delegate Healey, *et al.*)

Ways and Means

Education, Health, and Environmental Affairs

Education - Public Schools - Use of Asthma Drugs and Related Medication

This bill requires each local school system to adopt a written policy that authorizes a student to possess and self-administer an asthma inhaler or other emergency medication used to relieve an airway-constricting disease while in school, at a school-sponsored activity, or on a school bus. To self-administer the treatment, a student must annually provide a written order from a health care provider and written approval from the student's parent or guardian. A student's parent or guardian must obtain written confirmation from the student's health care provider that the student has the knowledge and skills necessary to safely administer the treatment, and a school nurse must assess the student's ability to demonstrate the skill level necessary to ensure effective self-administration. A student may be subject to disciplinary action if the treatment is not administered in a safe and proper manner. The Maryland State Department of Education (MSDE) must provide each public school system with written guidelines to implement the bill.

Fiscal Summary

State Effect: MSDE could provide guidelines to implement the bill with existing resources. Federal revenues could increase to the extent that the bill enhances the State's ability to win competitive federal grants.

Local Effect: Local boards of education could develop, adopt, and implement the required policies with existing resources.

Small Business Effect: None.

Analysis

Current Law: Local school systems are not required to develop policies that allow students to self-administer asthma inhalers or other medications.

MSDE, in conjunction with the Department of Health and Mental Hygiene and the Maryland State School Health Counsel, develops and issues school health guidelines. Health professionals in each local school system, with the help of local health departments, then use the State guidelines to develop formal written policies to be implemented locally.

Background: The federal Asthmatic Schoolchildren's Treatment and Health Management Act of 2004 requires the Secretary of Health and Human Services to give preference in awarding grants to states that have policies that allow students to self-administer medication to treat asthma or anaphylaxis. In the Act's findings section, Congress notes that the number of Americans with asthma has increased from 6.7 million in 1980 to 20.3 million in 2001 and that at least 30 states have adopted legislation protecting children's rights to self-administer asthma inhalers. The Act also encourages schools to review a Centers for Disease Control and Prevention (CDC) publication entitled "Strategies for Addressing Asthma Within a Coordinated School Health Program" and to adopt policies that will meet the needs of their student populations. The CDC publication lists six strategies for schools to consider:

- establish management and support systems for asthma friendly schools;
- provide appropriate school health and mental health services for students with asthma;
- provide asthma education and awareness programs for students and school staff;
- provide safe and healthy school environments to reduce asthma triggers;
- provide safe, enjoyable physical education and activity opportunities for students with asthma; and
- coordinate school, family, and community efforts to better manage asthma symptoms and reduce school absences among students with asthma.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Department of Education, Centers for Disease Control and Prevention, Department of Legislative Services

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