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Sequence Number: 05-06-18
 Rule ID(s): 6760
 File Date: 5/3/18
 Effective Date: 8/1/18

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-207, and 4-5-229 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within ninety (90) days of the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by ten (10) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of ten (10) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(h)

Agency/Board/Commission:	State Board of Education
Division:	
Contact Person:	Elizabeth Taylor
Address:	Andrew Johnson Tower, 1 st Floor 710 James Robertson Pkwy Nashville, TN
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Email:	Elizabeth.Taylor@tn.gov

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that ALL new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0520-01-13	Administrative of Medication for Adrenal Insufficiency
Rule Number	Rule Title
0520-01-13-.01	Definitions
0520-01-13-.02	Training
0520-01-13-.03	Administration of Medication

NEW RULE

Chapter 0520-01 State Board of Education Rules, Regulations and Minimum Standards for the Operation of the Public School System is amended by adding the following as a new chapter and shall read as follows.

RULES OF THE STATE BOARD OF EDUCATION

CHAPTER 0520-01-13

ADMINISTRATION OF MEDICATION FOR ADRENAL INSUFFICIENCY

0520-01-13-.01 Definitions

0520-01-13-.02 Training

0520-01-13-.03 Administration of Medication

0520-01-13-.01 DEFINITIONS

For purposes of this Chapter the following definitions are applicable:

- (1) "Adrenal crisis" means a sudden, severe worsening of symptoms associated with adrenal insufficiency, such as: severe pain in the lower back, abdomen, or legs; vomiting; diarrhea; dehydration; low blood pressure; or loss of consciousness.
- (2) "Adrenal insufficiency" means a hormonal disorder that occurs when the adrenal glands do not produce enough adrenal hormones.
- (3) "IHP" means Individualized Healthcare Plan.
- (4) "LEA" means Local Education Agency.
- (5) "Nurse practitioner" means a nurse practitioner licensed under T.C.A. title 63, chapter 7.
- (6) "Physician" means a physician licensed under T.C.A. title 63, chapter 6 or 9.
- (7) "School personnel" means any person employed by a Local Education Agency (LEA).

Authority: T.C.A. § 49-50-1603. **Administrative History:**

0520-01-13-.02 TRAINING

- (1) If an LEA has been informed by a parent or guardian that a student in a school of the LEA has adrenal insufficiency, the LEA shall train school personnel at the school who will be responsible for administering the medication for the treatment of adrenal crisis.
- (2) Trained personnel shall be available to each student identified as having adrenal insufficiency whose parent or guardian has provided the medication for treatment of adrenal crisis.
- (3) An LEA shall provide training to any school personnel who volunteer to receive the training and to be responsible for the administration of the medication for the treatment of adrenal crisis.
- (4) Training on the treatment of adrenal insufficiency shall be coordinated by the LEA and shall be conducted under the supervision of a physician or nurse practitioner or by any other health care

professional licensed under T.C.A. title 63 as delegated by a supervising physician or nurse practitioner.

- (5) The training shall include, at a minimum, the following:
 - (a) General information about adrenal insufficiency and the dangers associated with adrenal insufficiency;
 - (b) Recognition of the symptoms of a person who is experiencing an adrenal crisis;
 - (c) The types of medications that are available for treating adrenal insufficiency; and
 - (d) Proper administration of medications that treat adrenal insufficiency.
- (6) LEAs shall maintain a written record of all school personnel who have completed such training.
- (7) A person who has successfully completed training in the treatment of adrenal insufficiency may possess the medication and necessary paraphernalia for administration of medication. Trained school personnel may administer the medication to the student for whom the medication is prescribed if the student is suffering an adrenal crisis when a school nurse or other licensed health care professional is not immediately available.
- (8) Trained school personnel shall:
 - (a) Be familiar with the IHP for each student with adrenal insufficiency in the school and become familiar with:
 1. The student's baseline activity level, attitude, and behavior;
 2. The conditions that place additional stress on the body (such as illness or injury) that may trigger an adrenal crisis;
 3. The student's past history with adrenal crisis; and
 4. The medication and administration route that is prescribed to the student from his or her physician to use during an adrenal crisis.
 - (b) Understand the symptoms of adrenal crisis including unconsciousness, extreme lethargy, or nausea and vomiting.
 - (c) Understand the student's 504 Plan, Individualized Education Program, or other education plan, if applicable.
 - (d) Practice universal precautions and infection control procedures.
 - (e) Comply with all state and federal privacy laws.
- (9) An LEA shall not require school personnel who have not received appropriate training to administer medication.

Authority: T.C.A. § 49-50-1603. **Administrative History:**

0520-01-13-.03 ADMINISTRATION OF MEDICATION

- (1) If it is determined a student is suffering from an adrenal crisis and the school nurse or other licensed health care professional is not available, the trained school personnel shall:
 - (a) Instruct someone to call 911 and the student's parent or guardian.

- (b) Administer the medication and wait with the student until help arrives. Do not leave the student unattended.
 - (c) Turn the student on his or her side and monitor the student's breathing.
 - (d) Give the empty vial to the Emergency Medical Responders when they arrive.
- (2) Medication shall be stored safely and in a location that is readily available and in close proximity of the student.
 - (3) School transportation and activities such as field trips or other out-of-school functions shall be taken into account in the LEA policy regarding treatment of adrenal crisis.
 - (4) The student's IHP team may consider allowing a student to carry his/her own medication in certain circumstances. The IHP team shall take into account the student's age and maturity when making this determination.

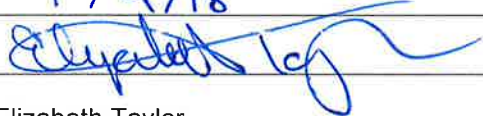
Authority: T.C.A. § 49-50-1603. **Administrative History:**

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Bawcum	X				
Chancey	X				
Cobbins	X				
Edwards	X				
Ferguson	X				
Hartgrove	X				
Kim	X				
Rolston	X				
Tucker	X				
Wiseman	X				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee State Board of Education on 01/26/2018, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: 4/9/18

Signature: 

Name of Officer: Elizabeth Taylor

Title of Officer: General Counsel



Subscribed and sworn to before me on: 4/9/18

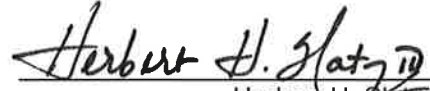
Notary Public Signature: 

My commission expires on: 8-4-2020

Agency/Board/Commission: Tennessee State Board of Education

Rule Chapter Number(s): 0520-01-16 Administration of Medication for Adrenal Insufficiency

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.


Herbert H. Slatery III
Attorney General and Reporter

4/20/2018
Date

Department of State Use Only

Filed with the Department of State on: 5/3/18

Effective on: 8/1/18


Tre Hargett
Secretary of State

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PUBLICATIONS

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

Not applicable

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This rule will not have an impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

On March 23, 2017, Governor Haslam signed Public Chapter 84 (2017) that requires the State Board of Education to adopt rules allowing for the administration of medication that treats adrenal insufficiency for students while at school. This new rule sets forth definitions, training requirements for LEAs and school personnel, and procedures for administering medication for adrenal insufficiency should an adrenal crisis occur.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C.A. § 49-50-1603 mandates that the state board of education, in consultation with the department of health, the board of nursing, the board of pharmacy, and the department of children's services, adopt rules for the administration of medication that treats adrenal insufficiency by school personnel trained in accordance the requirements set out in the T.C.A.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Students and parents of students who have adrenal insufficiency and LEAs are most affected by this rule. Parents of students with adrenal sufficiency have urged adoption of this rule. LEAs have neither urged adoption nor rejection of the rule. The State Board of Education and the Department of Education urge adoption of the rule.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

N/A

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

This promulgation of these amendments will not have a fiscal impact on a state or local government revenues and expenditures.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Elizabeth Taylor
Elizabeth.Taylor@tn.gov

Nathan James
Nathan.James@tn.gov

Elizabeth Fiveash
Elizabeth.Fiveash@tn.gov

(G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Elizabeth Taylor
Elizabeth.Taylor@tn.gov

Nathan James
Nathan.James@tn.gov

Elizabeth Fiveash
Elizabeth.Fiveash@tn.gov

(H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

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(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

N/A