



Legal Alert

NEW EXPANSION ALLOWING TRAINED UNLICENSED SCHOOL PERSONNEL TO ADMINISTER NON- INJECTABLE GLUCAGON IN NY SCHOOLS

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Students have a variety of medical needs to be addressed in school and New York law provides procedures for managing those needs. This includes medication administration to students. One such medication is glucagon – a prescribed emergency medication that treats severe hypoglycemia (i.e., low blood sugar) for individuals with diabetes who take insulin. Glucagon was previously available only as an injection, but there are now other administration

methodologies, including a nasal spray. Trained school personnel who did not possess a medical license were historically authorized to administer injectable glucagon to students in situations where a licensed health professional may not be available. Education Law Section 921 was recently amended by replacing the word “inject” with “administer,” therefore expanding the ability of unlicensed school personnel to administer both injectable and non-injectable glucagon.

The basic provisions regarding the administration of glucagon to students in school have not changed. Education Law Section 921 still permits trained unlicensed school personnel to administer prescribed glucagon to students with written consent of a parent or legal guardian in emergency cases when a licensed health professional is not available.

This statutory change has prompted a proposed amendment to Section 136.7 of the NY Commissioner Regulations that provides training requirements for the administration of non-injectable glucagon. These training requirements are similar to those that were previously required for the administration of injectable glucagon, and include the following:

1. a Department of Health-approved course on glucagon administration, which would replace the previously approved webinar that provides an overview of diabetes and hypoglycemia;
2. a review of a student’s emergency action care plan for treating mild or moderate hypoglycemia;
3. signs and symptoms of severe hypoglycemia that would require the administration of glucagon;
4. how emergency services are accessed according to school policy;

5. the steps for mixing and administering the prescribed glucagon;
6. observation of a trainee using a training device or demonstration device;
7. steps for providing ongoing care until emergency services are available;
8. notifying appropriate school personnel; and
9. methods for safely storing, handling, and disposing glucagon and used needles and syringes.

This amendment is initially implemented via emergency rule and will expire on March 13, 2022. The Board of Regents is not expected to formally adopt the amendment until April of 2022, so we anticipate the emergency rule will be extended until it is formally adopted. Therefore, schools should ensure that they adhere to the above requirements before allowing unlicensed staff to administer glucagon to students.

We will continue to monitor the development of this amendment. If you have any questions about the above, please contact the Harris Beach attorney with whom you usually work.

This alert is not a substitute for advice of counsel on specific legal issues.

Harris Beach has offices throughout New York State, including Albany, Buffalo, Ithaca, Long Island, New York City, Rochester, Saratoga Springs, Syracuse and White Plains, as well as New Haven, Connecticut and Newark, New Jersey.