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NEWS RELEASE



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**THE AMERICAN NURSES ASSOCIATION, ANA/CALIFORNIA FILE LAWSUIT
AGAINST THE CALIFORNIA DEPARTMENT OF EDUCATION**
Groups Urge School Administrators to Hire More RNs

SILVER SPRING, MD – The American Nurses Association and its state affiliate ANA/California filed a lawsuit in the Superior Court of the State of California against the Superintendent of Public Instruction and the California Department of Education to remedy violations of law arising from its directive that calls on unlicensed volunteer school employees to administer insulin to students with diabetes. Specifically, the groups claim the State Department of Education is in violation of the Nursing Practice Act by permitting unlicensed school personnel to administer insulin in the absence of a true emergency. Further, the complaint notes that requiring registered nurses to provide training and oversight to unlicensed personnel will place California nurses at risk of disciplinary action by the State Board of Nursing, including the possible loss of their license. The ANA and ANA/California contend that Department of Education failed to give notice and an opportunity to comment on its directive, thereby violating the California Administrative Procedure Act.

“Not only is the California Department of Education breaking state law with this directive by violating the established scope of nursing practice, but by negating the need for licensed nurses to administer insulin, they are placing the children at risk. We urge California school administrators: Meet federal non-discrimination and education requirements by hiring more school nurses,” remarked ANA President Rebecca M. Patton, MSN, RN, CNOR.

MORE . . .

ANA believes all children in educational settings should have access to a full range of health services and recommends the assignment and daily availability of school nurses at a ratio of one for every 750 students. In California, the ratio of nurses to students is approximately 1 to 2700.

“We believe there should be a school nurse available to provide insulin and other medication needs for children on every school campus,” said ANA\California Executive Director Tricia Hunter, MN, RN. “Unfortunately this settlement rewards schools that have chosen to lay off the school nurse. This settlement has put the nurses in an untenable situation. We do not agree that unlicensed, non-health care personnel should be giving insulin to children.”

This California Board of Education decision is at odds with state law regarding the functions performed by unlicensed personnel. The Nursing Practice Act provides in Business and Professional Code 2732 that “No person shall engage in the practice of nursing, as defined in Section 2725, without holding a license which is in an active status issued under this chapter except as otherwise provided in this act.” Further, the Code provides in section 2725 that the practice of nursing encompasses treatment protocols that “require a substantial amount of scientific knowledge or technical skill...” such as “direct and indirect patient care services, including, but not limited to, the administration of medications...” ANA asserts that the complex diagnostics that occur in the administration of insulin shots fall under the category of “scientific knowledge and technical skills” and should not be discounted. “It is not just a matter of giving an injection,” stated ANA CEO Linda J. Stierle, MSN, RN, CNAAB, “because the registered nurse engages in an evaluation of the student’s health and needs both before and after administering insulin. Mistakes can have grave consequences.”

Until this issue is resolved, ANA calls upon the Superintendent of Public Instruction to ensure that medications are administered only by persons legally authorized to do so, pursuant to California law. More information on ANA’s position on school nursing is available here:

<http://www.nursingworld.org/MainMenuCategories/HealthcareandPolicyIssues/ANAPositionStatements/practice/SafeHighQualityHealthCarePreKThrough12.aspx>

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The ANA is the only full-service professional organization representing the interests of the nation's 2.9 million registered nurses through its 54 constituent member nurses associations. The ANA advances the nursing profession by fostering high standards of nursing practice, promoting the rights of nurses in the workplace, projecting a positive and realistic view of nursing, and by lobbying the Congress and regulatory agencies on health care issues affecting nurses and the public.