

IC 34-30-14

Chapter 14. Health Care: Immunity of Certain Persons Who Administer Medications to Pupils at School

IC 34-30-14-1

Compelling certain school personnel to administer medication to pupils prohibited

Sec. 1. A school or school board may not:

(1) require a teacher or other school employee who is not employed as a school nurse or physician to administer:

(A) medication, drugs, or tests described in section 2 of this chapter; or

(B) health care services, basic life support, or other services that require the teacher or employee to place the teacher's or employee's hands on a pupil for therapeutic or sanitary purposes; or

(2) discipline a teacher or other school employee who is not employed as a school nurse or physician and who:

(A) refuses to administer medication, drugs, or tests without the written:

(i) authority of a pupil's parent or guardian; or

(ii) order of a practitioner;

required under section 2 of this chapter; or

(B) refuses to administer health care services, basic life support, or other services that require the teacher or employee to place the teacher's or employee's hands on a pupil for therapeutic or sanitary purposes.

As added by P.L.1-1998, SEC.26. Amended by P.L.166-2007, SEC.4; P.L.3-2008, SEC.246.

IC 34-30-14-2

Administering medication to pupils; immunity

Sec. 2. If compliance with sections 3 and 4 of this chapter has occurred, a school administrator, teacher, or other school employee designated by the school administrator, after consultation with the school nurse, who in good faith administers to a pupil:

(1) a nonprescription medication in compliance with the written permission of the pupil's parent or guardian, except in the case of a life threatening emergency;

(2) a legend drug (as defined in IC 16-18-2-199 and including injectable insulin) in compliance with the:

(A) written order of a practitioner; and

(B) written permission of the pupil's parent or guardian, except in the case of a life threatening emergency;

(3) a glucose test in compliance with the written order of a practitioner;

(4) health care services, basic life support, or other services that require the administrator, teacher, or employee to place the administrator's, teacher's, or employee's hands on the pupil for therapeutic or sanitary purposes; or

(5) any combination of subdivisions (1) through (4);
is not personally liable for civil damages for any act that is incident to or within the scope of the duties of the employee as a result of the administration except for an act or omission amounting to gross negligence or willful and wanton misconduct.

As added by P.L.1-1998, SEC.26. Amended by P.L.166-2007, SEC.5.

IC 34-30-14-3

Record keeping requirements

Sec. 3. The school shall keep on file the written permission of a pupil's parent or guardian and the written order of a practitioner.

As added by P.L.1-1998, SEC.26.

IC 34-30-14-4

Training requirements

Sec. 4. (a) This section applies if a school employee:

(1) is not a practitioner or an individual licensed under IC 25-23; and

(2) is responsible for administering injectable insulin or a glucose test by finger prick.

(b) The employee must obtain from a practitioner or a registered nurse licensed under IC 25-23 the training that the practitioner or registered nurse determines is appropriate for providing the service.

(c) Before the school employee provides the service, the school must have on file a written statement from the practitioner or registered nurse that indicates the school employee has received the training required under this section.

As added by P.L.1-1998, SEC.26.

IC 34-30-14-5

Chapter subject to IC 34-13-3

Sec. 5. This chapter is subject to IC 34-13-3.

As added by P.L.1-1998, SEC.26.

IC 34-30-14-6

Immunity in connection with self-administration of medication

Sec. 6. A school or school board is not liable for civil damages as a result of a student's self-administration of medication for an acute or chronic disease or medical condition as provided under IC 20-33-8-13 except for an act or omission amounting to gross negligence or willful and wanton misconduct.

As added by P.L.264-2001, SEC.5. Amended by P.L.1-2005, SEC.223.

IC 34-30-14-7

Teachers; immunity for providing cardiopulmonary resuscitation or the Heimlich maneuver or for using an automated external defibrillator

Sec. 7. A teacher:

(1) who meets the requirement of IC 20-28-5-3(c); and

(2) who:

- (A) performs cardiopulmonary resuscitation on;
- (B) performs the Heimlich maneuver on;
- (C) removes a foreign body that is obstructing an airway of;
- or
- (D) uses an automated external defibrillator on;

another person, in the course of employment as a teacher;

is not liable in a civil action for damages resulting from an act or omission occurring during the provision of emergency assistance under this section, unless the act or omission constitutes gross negligence or willful and wanton misconduct.

As added by P.L.166-2007, SEC.6. Amended by P.L.146-2011, SEC.2.

IC 34-30-14-8

School nurses; immunity for certain acts

Sec. 8. A school nurse:

(1) who meets the requirement of IC 20-34-5-9; and

(2) who:

- (A) performs cardiopulmonary resuscitation on;
- (B) performs the Heimlich maneuver on;
- (C) removes a foreign body that is obstructing an airway of;
- or
- (D) uses an automated external defibrillator on;

another person in the course of employment as a school nurse;

is not liable in a civil action for damages resulting from an act or omission occurring during the provision of emergency assistance under this section, unless the act or omission constitutes gross negligence or willful and wanton misconduct.

As added by P.L.146-2011, SEC.3.

IC 34-30-14-9

Schools; immunity for employees performing certain acts

Sec. 9. A public or nonpublic school, charter school, school board, school corporation, or governing body of a school corporation is not liable for civil damages as a result of an act or omission of an employee providing emergency assistance by:

- (1) performing cardiopulmonary resuscitation on;
- (2) performing the Heimlich maneuver on;
- (3) removing a foreign body that is obstructing an airway of; or
- (4) using an automated external defibrillator on;

another person in the course of employment as an employee of the school or school corporation or as an agent of the school board, unless the act or omission constitutes gross negligence or willful and wanton misconduct.

As added by P.L.146-2011, SEC.4.