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A SCHOOL EPIPEN POLICY THAT SAVES LIVES

c. 1990 v. 5/1991 · Ellie Goldberg, M.Ed. · 617/965-9637 · <mailto:healthykids@rcn.com>

"The school tells me that it cannot be responsible for my son's EpiPen because it has to protect its liability," writes a parent whose child could die from severe food allergies without an immediate lifesaving injection of epinephrine. "They won't let him carry it and they won't let me teach anyone at school to give it to him."

Teachers and office staff frequently experience similar helplessness and frustration. Their hands are tied, they say, because they've been advised that handling, administering or even supervising students self-administering their medication is outside their contract duties or "scope of employment."

But in Quincy, Massachusetts the public school system has made a unique commitment to protect the lives of students who are at risk for anaphylaxis, a sudden potentially fatal allergic reaction to food or insect stings.

A few years ago, Quincy schools sought legal advice when it noted the increasing numbers of students with insect and food allergies. The lawyer's opinion was that "...the potential liability from refusing to administer the EpiPen far exceeds the liability from administering the EpiPen...refusal to administer the EpiPen would amount to a breach of care owed to the child." The school's obligations are particularly

clear, the attorney pointed out, where state laws provide for immunity from liability for those rendering emergency medical care. Another consideration is the school district's obligations under Section 504 of the Rehabilitation Act of 1973, a federal law prohibiting discrimination on the basis of disability.

The school administration's response was to develop a unique system of policy changes and guidelines to fulfill the hope expressed by Superintendent Robert Ricci that "a child with this medical problem will be able to enjoy all the benefits of school attendance and the school staff will be reassured as to the propriety of their actions."

The school administration signed memoranda of understanding with the teacher's association and custodian's union in October 1989 making EpiPen use a specific job duty and responsibility within the scope of employment of all staff. This reassured them that they were fully indemnified against liability.

More important to the success of the policy, teachers and other staff receive the information and training that enables them to identify allergic students, take necessary precautions, recognize an allergic reaction, use an EpiPen properly, and to take steps for emergency follow-up for the student in



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the classroom, on the playground, in the lunchroom or on a field trip.

Dr. Zuhayr Hamady, of Nobili Allergy Clinic in Quincy, advised and trained the nursing staff and provided EpiPen trainers to the schools. He was also available for staff training to help put teachers at ease with the devices and procedures. Dr. Hamady praises the Quincy schools for their outstanding commitment to student safety.

Now, at the beginning of each school year, parents meet with school staff to document and review each student's needs and to write an "action plan" which specifies each parent's and staff member's responsibilities. Parents of food allergic students in the lower grades, for example, send in food for all snacks and lunch. They must supply two fresh EpiPens for the school. The school nurse checks the EpiPens periodically for the expiration date and discoloration and parents must replace them as necessary. Starting in fifth grade, students can carry their own EpiPens after appropriate training and with a parent's and a physician's authorization.

Quincy's policy also requires frequent retraining of staff, especially new personnel, and peer education. In each class with a student at risk for anaphylaxis, the school nurse visits to discuss food allergies, bee stings and EpiPens.

Quincy's EpiPen policy has already proven it can save lives. During the 1990 fall term, when a school custodian recognized a sixth-grader's allergic reaction to a bee sting, he acted quickly

to administer her EpiPen and to get her to emergency care.

Exemplary school policies and programs such as Quincy's can help everyone -- students, parents and teachers -- breathe more easily. Spread the word to parents and educators in your town. And, be sure to let me know about good programs and policies in your school that could broaden the path to health and educational equity for others. I look forward to hearing from you.

For information on Section 504 of the Rehabilitation Act of 1973:
U.S. Dept. of Ed, Office for Civil Rights
[THE CIVIL RIGHTS OF STUDENTS WITH HIDDEN DISABILITIES](#)

[Managing Life Threatening Food Allergies at School](#)

Massachusetts Department of Education

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