

What **schools** should know...

Facts about the Student Inhaler Law

Wisconsin Statute 118.291 allows students with asthma to carry and use metered dose and dry powder inhalers with written permission.

Why does Wisconsin have a student inhaler law?

- Asthma is a life-threatening disease.
- An asthma attack requires immediate treatment with prescribed rescue medication.
- There may not be time to access medication stored in a central, not easily accessible location if an asthma attack occurs on the playground, in the gymnasium, on the school bus, on a field trip or in the classroom.

Overview of the law

- A child may carry inhaled asthma medication with him/her at school (locker, pocket, backpack, etc.).
- Inhaled asthma medications do not need to be locked away in a central location if the parent/guardian and the physician provide the school with written permission.
- The school cannot enforce a policy that contradicts this law.

What are the parents' concerns?

- Student may not have immediate access to life-saving medication.
- No written asthma action plan at school or if one exists, not shared with all personnel.
- Physicians write prescription for only one inhaler.
- Frustration with school bureaucracy.
- Medication will become lost or stolen.
- **Other questions concerning the protection of the child's health and safety:**
 - Is school staff knowledgeable about asthma and the proper administration of asthma medications?
 - Will someone be looking out for students in the classroom, on the playground, in the gymnasium or on a field trip?
 - Can staff identify and respond appropriately to an asthma emergency?
 - Will staff accommodate students' special health care needs?
 - Will students be excluded from activities or conversely, be asked to do too much?
 - Will students be labeled or "singled out" by staff and other students?

What are health care providers' concerns?

- May not know the patient well enough to help.
- Limited time to discuss issue or assess patient readiness/maturity level.
- Reluctance to get involved with school/parent politics and emotions.
- May not fully understand the inhaler law and his/her role in achieving compliance.
- More paperwork to process and sign.

What can schools do?

Prepare and Learn

- Obtain a copy of the Wisconsin Statute 118.291 from the American Lung Association of Wisconsin.
- Section 1, #2 states that staff and school districts are not liable if the student uses the inhaler improperly.
- Call the Lung Association to schedule a FREE asthma in-service. All teachers and staff should become familiar with asthma severities, management and the proper administration of medications.

Communicate

- Communicate openly. Let parents know about the inhaler law - not doing so makes parents view the school as adversarial.
- Encourage a meeting between parents, teacher(s) and school nurse at the beginning of the school year to discuss the student's asthma.
- Compromise. The permission of the parents and student's physician can override the school's assessment of the situation, so be prepared to seek a compromise. A trial period for allowing the student to carry his or her asthma medication or allowing medication to be kept in the teacher's possession, so it is readily accessible, are two possible compromises.
- Bring in a neutral party to help facilitate a discussion if the school and parents are in disagreement.
- Encourage all staff to integrate asthma awareness into the curriculum as teaching opportunities arise.
- Be sensitive. Avoid calling attention to the student's asthma during school activities.

Take Action

- Create a clear asthma policy for your school/district and have the appropriate forms available.
- Require an asthma action plan for each student with asthma, and obtain permission from the parents to share it with all appropriate school personnel.
- Document any problems related to a student's self-administration of medication. Work with parents to find a solution.

The school is at far greater risk if the student does not have access to medication than if he or she does. In a case in New York, a mother was awarded \$2.2 million in damages from the school district after her child died at school from an asthma attack.

Resources

American Lung Association of Wisconsin

www.lungusa.org/wisconsin • 800.LUNG.USA/(586.4872)

Department of Health and Family Services • www.dhfs.state.wi.us

Department of Public Instruction • www.dpi.state.wi.us

Wisconsin State Legislature • www.legis.state.wi.us