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TEACHER GUIDE

Administration of Medication/ Medical Services: Rights and Risks



The Alberta
Teachers' Association

Administration of Medication/ Medical Services

A Question of Jurisdiction

Increasingly, parents have asked schools to assume noninstructional activities such as dispensing medication, supervising students taking their own medication(s), monitoring blood sugar levels, catheterizing students and a variety of other services.

Questions have arisen as to whether these activities are educational responsibilities or medical functions and whether schools should take them on given the associated liability. Schools should generally refuse to assume such responsibilities unless a student's parents can establish that their request for these medical services meets the necessary criteria.

Necessary Criteria for Assumption of Service

The Supreme Court of Canada, in the Adler case, found that while providing medical service does not look like an educational service, school divisions may have to provide such service to ensure "that children with special needs have full access to the public school system."

Schools must provide such service if a student's parents can establish, with medical support from an attending physician, that

- the student cannot learn without the provision of this service and
- those services cannot be scheduled for out of school hours.

Schools should have parents fill out a form requesting the service and require both the parents and an attending physician to provide information to meet the necessary criteria. Otherwise, schools should not assume such a liability.

Associated Liability

From a liability perspective, a person who performs a medical service or administers/supervises medication must provide "dedicated service." This means that the person(s) providing such care must not have any other duties or possible distractions. By

definition, teachers and principals cannot meet this standard. Such medical services are typically assigned to support staff. Assigned staff must receive training in the administering of the care they are delivering.

Association Position

The Association's view is that teachers are educators, not health care providers. While the school division may have an obligation to provide medical services to some students, those undertakings should not be assigned to teachers. The Association opposes any teacher involvement in providing medication or medical services to students as these are not instructional duties, and such involvement may create a situation where teachers may assume unnecessary liability.

Where teachers are assigned such duties, they need to protect themselves by protesting the assignment.

Need to Protest Assignment

Teachers should protest the assignment of duties for which they are not qualified or conditions that make it difficult to render professional service. For this reason, coupled with concerns about the assumption of liability, a protest letter is necessary. Such protests should be in writing, should describe the concern with the inability to meet the legal standard of providing "dedicated service" and should state that the teacher is unwilling to accept any personal or professional liability that might ensue should a student be harmed. Teachers should contact Teacher Employment Services for assistance in drafting the letter.

Caution

Advice in this brochure is general and may not address all aspects of a particular situation. Teachers should always call Teacher Employment Services at the Association for confidential advice on how to handle a specific situation. Contact information is on the back of this brochure.