



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

STUDENT SUPPORT SERVICES

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GUIDANCE MEMO TO SCHOOL NURSES REGARDING THE NYSDOH OPIOID OVERDOSE PREVENTION PROGRAM

The State Education Department's (SED) School Health Services Office has recently been made aware that school nurses have been participating in Opioid Overdose Prevention Programs created under New York State Public Health Law §3309. Public Health Law §3309 requires the Department of Health (DOH) to establish standards for these Opioid Overdose Prevention Programs. The law also makes "persons" who administer an opioid antagonist (such as Narcan) immune from civil liability or criminal prosecution if they provide overdose treatment in a good faith manner to a person experiencing a drug overdose. The law's implementing regulations (10 NYCRR §80.138) state that it is intended to be applied to "individuals **other than** licensed health care professionals". DOH's memorandum in support of the law emphasized that the concept behind the legislation was to train staff and volunteers at drug treatment programs and community based organizations that provide services to drug users; as well as users themselves, members of their social network and their friends and family in an effort to prevent overdoses of known drug users.

SED and DOH have agreed that this law and its implementing regulations were not intended to apply to school nurses. Additionally, the law and its regulations allow for the use of an opioid antagonist such as Narcan, by an individual who receives the program training. Individuals who attend approved Opioid Overdose Prevention Programs are provided with an opioid antagonist at the training for administration in case of an overdose.

Currently neither New York State Public Health Law §3309 nor the nurse's scope of professional practice allow a school nurse or a licensed practical nurse under the direction of an RN, who has not been issued a patient-specific order by a physician, to administer an opioid antagonist. The school nurses who have already received training in the administration of opioid antagonists, and are in possession of such, may administer the medication in a life and death emergency to a student with a known or suspected overdose. Such administration may not be immune from civil liability under NYS Public Health Law Section 3309 and 10 NYCRR 80.138.

If you are a school nurse and have participated in this training you are urged to contact your school's administration to discuss the issues described above.

Please contact the Office of Student Support Services at 518-486-6090, for further information.

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