

**Assembly Bill No. 1937**

CHAPTER 203

An act to amend Section 49403 of the Education Code, relating to pupil health, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 27, 2010. Filed with  
Secretary of State August 27, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1937, Fletcher. Pupil health: immunizations.

Existing law requires the governing board of a school district to cooperate with the local health officer in measures necessary for the prevention and control of communicable diseases in schoolage children, and authorizes the board to permit a licensed physician and surgeon or a licensed registered nurse acting under the direction of a supervising physician and surgeon to administer an immunizing agent to a pupil whose parents have consented, as specified.

This bill would also authorize a school district to permit certain other licensed health care practitioners who are acting under the direction of a supervising physician and surgeon to administer certain immunizing agents to those pupils. The bill would authorize those health care practitioners to administer immunizing agents subject to specified conditions, including notification of the school nurse, who would maintain control as necessary in accordance with his or her duties as supervisor of health. The bill would make other technical changes.

This bill would declare that it is to take effect immediately as an urgency statute.

*The people of the State of California do enact as follows:*

SECTION 1. Section 49403 of the Education Code is amended to read:

49403. (a) Notwithstanding any other law, the governing board of a school district shall cooperate with the local health officer in measures necessary for the prevention and control of communicable diseases in schoolage children. For that purpose, the board may use any funds, property, and personnel of the district, and may permit a licensed physician and surgeon, or a health care practitioner listed in subdivision (b) who is acting under the direction of a supervising physician and surgeon, to administer an immunizing agent to a pupil whose parent or guardian has consented in writing to the administration of the immunizing agent.

(b) (1) The following health care practitioners, acting under the direction of a supervising physician and surgeon, may administer an immunizing agent within the course of a school immunization program:

- (A) A physician assistant.
- (B) A nurse practitioner.
- (C) A registered nurse.
- (D) A licensed vocational nurse.
- (E) A nursing student who is acting under the supervision of a registered nurse, in accordance with applicable provisions of law.

(2) A health care practitioner's authority to administer an immunizing agent pursuant to this subdivision is subject to the following conditions:

(A) The administration of an immunizing agent is upon the standing orders of a supervising physician and surgeon and in accordance with any written regulations that the State Department of Public Health may adopt.

(B) The school nurse is notified and he or she maintains control, as necessary, as supervisor of health in accordance with Sections 44871, 44877, 49422, and subdivision (a) of Section 49426.

(C) The health care practitioner may only administer immunizations for the prevention and control of any of the following:

- (i) Annual seasonal influenza.
- (ii) Influenza pandemic episodes.
- (iii) Other diseases that represent a current or potential outbreak as declared by a federal, state, or local public health officer.

(c) As used in this section, "supervising physician and surgeon" means the physician and surgeon of the local health department or school district that is directing the school immunization program.

(d) While nothing in this section shall be construed to require the physical presence of the supervising physician and surgeon, the supervising physician and surgeon shall require a health care practitioner under his or her direction to do both of the following:

(1) Satisfactorily demonstrate competence in the administration of the immunizing agent, including knowledge of all indications and contraindications for the administration of the agent, and the recognition and treatment of emergency reactions to the agent that constitute a danger to the health or life of the person receiving the immunization.

(2) Possess the medications and equipment that are required, in the medical judgment of the supervising physician and surgeon, to treat any emergency conditions and reactions caused by the immunizing agents that constitute a danger to the health or life of the person receiving the immunization, and to demonstrate the ability to administer the medications and use the equipment as necessary.

(e) It is the intent of the Legislature to encourage school-based immunization programs, when feasible, to use the California Immunization Registry to assist providers to track patient records, reduce missed opportunities, and to help fully immunize all children in California.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of

Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide greater access to immunizations for school children in time for the 2010–11 influenza season, it is necessary that this act take effect immediately.

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