

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of:

Administration of Medicinal Cannabis
by Registered Nurses to Students on a
School Campus Pursuant to a
Physician's Care Plan

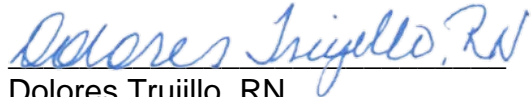
Case No. 2022-BRN-01

NOTICE OF PRECEDENTIAL DECLARATORY DECISION

This matter came before the Board of Registered Nursing (Board) pursuant to a request for declaratory decision submitted by counsel for Nevada Joint Union High School District. At its regular meeting on November 30, 2021, the Board voted to grant the request and conduct a declaratory decision proceeding pursuant to Government Code section 11465.10, et seq., with the decision to be given precedential effect pursuant to Government Code section 11425.60.

The Board allowed for the submission of public comments on the question presented pursuant to California Code of Regulations, title 1, section 1280. The Board then considered the question presented at its regular meeting on February 16, 2022.

After Board discussion, and consideration by the Board of duly submitted public comments, the Board hereby adopts the attached declaratory decision, with precedential effect, which shall be effective as of May 27, 2022.


Dolores Trujillo, RN
President
Board of Registered Nursing

Declaratory Decision

Re: Administration of Medicinal Cannabis by Registered Nurses in Schools Pursuant to Physician's Order

This Declaratory Decision by the Board of Registered Nursing responds to the November 30, 2021 request by Nevada Joint Union High School District.

Statement of Undisputed Facts

The facts and the circumstances surrounding the administration of medicinal cannabis by the registered nurse, as specified in the request, are as follows:

1. A student attending a school in California has been diagnosed with a severe seizure condition. The student's physician has recommended that the student be administered two cannabis medications to treat the seizure condition: a CBD:THC tincture administered as a maintenance medication, and a THC intranasal spray administered as a rescue medication upon the onset of a seizure.
2. Due to the severe seizure condition, the student receives services from the school that are formalized in an individualized education program (IEP) developed specifically for the student by a multidisciplinary team that includes school administrators, the student, parents, and health professionals. As part of the IEP, the multidisciplinary team has determined the student requires access to nursing services to assist with administration of the recommended cannabis medications during the school day.
3. While the student is at school, the recommended medications are administered by a registered nurse who is competent in observing the signs and symptoms of the onset of a seizure in the student, as well as in the proper administration of the cannabis medications.

Question Presented¹

Does a registered nurse commit misconduct subject to disciplinary action when the nurse administers medicinal cannabis to a qualified patient student on a school campus pursuant to a physician's care plan?

¹ The scope of this declaratory decision is strictly limited to responding to the question presented. The following ancillary issues, for example, are beyond the scope of this decision: the obligation, as opposed to the permissibility, of registered nurses to administer medicinal cannabis to students pursuant to a physician's care plan; whether nursing services to assist with the administration of medicinal cannabis are obligatory upon a school when such services may be necessary in order to provide a free and appropriate public education; the legality of medicinal cannabis under federal law; etc.

Determination of Issues

Under these circumstances, the registered nurse would not commit professional misconduct subject to disciplinary action by administering medicinal cannabis to the student at the school pursuant to a physician's order, recommendation, or care plan.

The scope of practice of registered nurses is described in general terms at Business and Professions Code section 2725, subdivision (b), which states in pertinent part:

The practice of nursing within the meaning of this chapter means those functions, including basic health care, that help people cope with difficulties in daily living that are associated with their actual or potential health or illness problems or the treatment thereof, and that require a substantial amount of scientific knowledge or technical skill, including all of the following: [¶] (2) Direct and indirect patient care services, including, but not limited to, the administration of medications and therapeutic agents, necessary to implement a treatment, disease prevention, or rehabilitative regimen ordered by and within the scope of licensure of a physician, dentist, podiatrist, or clinical psychologist, as defined by Section 1316.5 of the Health and Safety Code.

Under this code section, it is within the scope of practice of registered nurses to administer a medication or therapeutic agent, such as medicinal cannabis, that is necessary to implement a treatment plan ordered by and within the scope of licensure of a physician. As such, a registered nurse administering medicinal cannabis as described above in the Question Presented would not commit misconduct subject to disciplinary action, so long as the registered nurse is performing such services competently and consistent with the physician's care plan.