

ONTARIO PASSES NEW LAW ON ASTHMA INHALERS IN SCHOOLS

On May 5, 2015, Bill 20, *Ryan's Law, 2015 (Ensuring Asthma Friendly Schools)*, ("*Ryan's Law*") received Royal Assent and came into force. *Ryan's Law* was introduced as a Private Member's Bill on July 17, 2014 in response to the death of 12-year old student Ryan Gibbons in London, Ontario. Ryan Gibbons died after he suffered an asthma attack during recess. The school's policy required medications, including inhalers, to be locked in the school office. Ryan was not able to access his inhaler in time.

Principals must develop individual plans for each student with asthma.

The tragic circumstances of Ryan's death prompted a review of school asthma medication policies. Prior to *Ryan's Law*, school policies often treated the storage and administration of asthma medication with a great deal of caution, out of fear that medication could be improperly administered. *Ryan's Law* provides schools with new powers and duties that are designed to allow students to access asthma medication in a safe and timely manner.

MAIN FEATURES OF RYAN'S LAW:

1. School boards must establish an asthma policy that meets the requirements in *Ryan's Law*.
2. Principals must develop individual plans for each student with asthma.
3. Students under age 16 are permitted to carry inhalers if they have permission from a parent or guardian, while students age 16 and older may carry an inhaler without such permission.
4. Parents must ensure that the information in the student's file is kept up-to-date with the medication that the student is taking.
5. School board employees may be preauthorized by a parent or guardian to administer medication or supervise a student while he or she takes medication.
6. If a school board employee has reason to believe a student is experiencing an asthma attack, the employee may administer asthma medication even if there is no preauthorization.
7. A civil immunity provision protects anyone who acts in good faith in executing a duty or power under *Ryan's Law*.

SCHOOL BOARDS MUST HAVE AN ASTHMA POLICY

Every school board must have an asthma policy that includes the following contents:

1. Strategies that reduce the risk of exposure to asthma triggers in classrooms and common school areas.
2. A communication plan for the dissemination of information on asthma to parents, pupils and employees.
3. Regular training on recognizing asthma symptoms and managing asthma exacerbations for all employees and others who are in direct contact with pupils on a regular basis.
4. A requirement that every school principal develop an individual plan for each pupil who has asthma. In developing an individual plan, the principal shall take into consideration any recommendations made by the pupil's health care provider.

5. A requirement that every school principal inform employees and others who are in direct contact on a regular basis with a pupil who has asthma about the contents of the pupil's individual plan.
6. A requirement that every school principal ensure that, upon registration, parents, guardians and pupils shall be asked to supply information about asthma.
7. A requirement that every school principal maintain a file of current treatment and other information for each pupil with asthma, including a copy of any notes and instructions from the pupil's health care provider and a current emergency contact list.

PRINCIPALS MUST CREATE AN INDIVIDUAL PLAN FOR STUDENTS WITH ASTHMA

As noted above, the new school board asthma policy required under *Ryan's Law* refers to new duties for principals. Principals are required to develop an individual plan for each student with asthma, taking into consideration recommendations from the student's health care provider. The principal must inform employees and others in contact with the student about the contents of the individual plan. On an on-going basis, the principal must ensure that the student's file includes current treatment, notes and instructions from the student's doctor, and a current emergency contact list.

Each individual plan for a student with asthma must include the following:

1. Details informing employees and others who are in direct contact with the pupil on a regular basis of the monitoring and avoidance strategies and appropriate treatment.
2. A readily accessible emergency procedure for the pupil, including emergency contact information.
3. Details relating to the storage of the pupil's asthma medication, including,

- (i) if the pupil is under 16 years old, whether the pupil has his or her parent's or guardian's permission to carry his or her asthma medication, and
- (ii) whether any spare medication is kept in the school and, if so, where it is stored.

SCHOOL BOARD EMPLOYEES MAY ADMINISTER ASTHMA MEDICATION

Under *Ryan's Law*, school board employees are now expressly permitted to be preauthorized to administer asthma medication, or to supervise a student while he or she takes medication for asthma, with consent of a parent or guardian.

Where an employee has reason to believe a student is experiencing an asthma attack, employees may administer asthma medication even where there is no preauthorization.

The immunity provision in *Ryan's Law* protects employees who have acted in good faith while discharging duties under *Ryan's Law*. The provision states that "no action or other proceeding for damages shall be commenced against an employee for any act or omission done or omitted by the employee in good faith in the execution or intended execution of any duty or power" under *Ryan's Law*.

This legislation represents an important step to support the well-being of students with asthma. The Ministry of Education has indicated that it is committed to moving forward with a comprehensive approach to address prevalent medical conditions including asthma, diabetes, anaphylaxis and epilepsy in Ontario schools.

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The principal must inform employees and others in contact with the student about the contents of the individual plan.