

# HB0424S01 compared with HB0424

~~{deleted text}~~ shows text that was in HB0424 but was deleted in HB0424S01.

inserted text shows text that was not in HB0424 but was inserted into HB0424S01.

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Representative Douglas V. Sagers proposes the following substitute bill:

## EPILEPSY TRAINING IN PUBLIC SCHOOLS

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Douglas V. Sagers**

Senate Sponsor: \_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill provides for the administration of ~~{intranasal midazolam}~~ a prescribed seizure rescue medication to a public school student under certain circumstances.

#### Highlighted Provisions:

This bill:

- ▶ provides for the administration of ~~{intranasal midazolam}~~ a prescribed seizure rescue medication to a public school student under certain circumstances;
- ▶ allows a school employee who is not a licensed health professional to administer ~~{intranasal midazolam}~~ a prescribed seizure rescue medication to a public school student under certain circumstances; and
- ▶ requires the Department of Health to ~~{ }~~ create ~~{an "intranasal midazolam as a rescue medicine authorization" form}~~ a

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- seizure medication/management order authorization form; and  
develop competency standards for a school employee who is not a licensed health professional to administer to a public school student under certain circumstances a prescribed seizure rescue medication.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

ENACTS:

53A-11-603.5, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section 53A-11-603.5 is enacted to read:

**53A-11-603.5. Administration of ~~intranasal midazolam~~ a prescribed seizure rescue medication -- Training of volunteer school personnel -- Authority to use ~~intranasal midazolam~~ a prescribed seizure rescue medication -- Immunity from liability.**

(1) As used in this section, "~~intranasal midazolam as a rescue medicine~~ seizure medication/management order authorization" means a statement signed by a physician and a parent or legal guardian of a student with epilepsy that:

(a) certifies that the student with epilepsy:

(i) has a prescription for ~~intranasal midazolam~~ a seizure rescue medication;

(ii) may receive the prescribed seizure rescue medication when the student experiences full body convulsive seizure activity associated with a loss of consciousness;

(iii) has previously received the prescribed seizure rescue medication in a non-medically supervised setting by the student's parent or guardian without a complication;

(iv) has previously ceased having full body convulsive seizure activity as a result of receiving the prescribed seizure rescue medication;

(b) requests that the public school of the student with epilepsy identify and train school employees who volunteer to receive training in administering ~~intranasal midazolam~~ a prescribed seizure rescue medication in accordance with this section; ~~and~~

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(c) authorizes a trained school employee to administer ~~{intranasal midazolam}~~ a prescribed seizure rescue medication to the student with epilepsy in an emergency, in accordance with this section ~~{.}~~ and

(d) specifies the seizure rescue medication for which the student has a prescription.

(2) The Department of Health, in cooperation with the State Board of Education, shall:

(a) create {an "intranasal midazolam as a rescue medicine"} a seizure medication/management order authorization {""} form for a public school to use in accordance with this section; and

(b) develop standards to assess whether a school employee who receives training under Subsection (3) is competent to administer a prescribed seizure rescue medication.

(3) A public school:

(a) shall, within a reasonable time after receiving {an intranasal midazolam as a rescue medicine} a seizure medication/management authorization, require a school nurse or other qualified licensed medical professional, as determined by the local school board or charter school governing board, to provide training in administering {intranasal midazolam} a prescribed seizure rescue medication to school employees who volunteer to receive training;

(b) shall permit all willing school employees who are 18 years or older to receive training in administering {intranasal midazolam; and

~~{c} a prescribed seizure rescue medication;~~

(c) shall provide annual refresher training to a school employee who volunteers to receive training under Subsection (3)(a); and

(d) may not obstruct the identification or training of a volunteer under this Subsection (3).

(4) (a) The training described in Subsection (3) shall be specific to the prescribed seizure rescue medication indicated on a student's seizure medication/management order authorization and include:

(i) techniques for recognizing a seizure symptom {that warrants administering intranasal midazolam} specific to a student with {an intranasal midazolam as a rescue medicine} a seizure medication/management order authorization;

(ii) standards and procedures for the storage and {use} competent administration of {intranasal midazolam} a prescribed seizure rescue medication;

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(iii) other emergency procedures in the event a school employee administers ~~{intranasal midazolam}~~ a prescribed seizure rescue medication, including calling ~~{the emergency}~~ 911 ~~{number}~~ and contacting the student's parent or guardian; ~~{and}~~

(iv) written material covering the information described in this Subsection (4)(a) ~~{,}~~;  
and

(v) an assessment that determines whether a school employee who receives the training meets the Department of Health standards described in Subsection (2)(b).

(b) A public school shall retain for reference the written materials described in Subsection (4)(a)(iv).

(5) (a) A public school shall permit a school employee ~~{who has received the training under Subsection (3) to possess or store intranasal midazolam}~~ to securely store on school property or possess a prescribed seizure rescue medication for a student with ~~{an intranasal midazolam as a rescue medicine authorization}.~~

~~——~~ (b) A public school shall permit ~~{}~~ a seizure medication/management order authorization if the school employee:

(i) receives the training described in Subsection (4)(a); and

(ii) demonstrates competency in accordance with the Department of Health standards described in Subsection (2)(b).

(b) A school employee may not remove a prescribed seizure rescue medication from secure storage except to:

(i) administer the medication to a student who has ~~{an intranasal midazolam as a rescue medicine authorization to possess or store the student's prescribed intranasal midazolam}~~ a seizure medication/management order authorization;

(ii) return the medication to a parent or guardian of a student who has a seizure medication/management order authorization;

(iii) for a student who is 18 years or older and has a seizure medication/management order, return the medication to the student;

(iv) give the medication to a school nurse; or

(v) bring the medication to a school field trip, sporting event, or other event in which the student with a seizure medication/management order is participating.

(6) (a) A school employee who receives training under Subsection (3) may administer

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~~intranasal midazolam~~ a prescribed seizure rescue medication at ~~a~~ school or a school activity to a student with ~~an intranasal midazolam as a rescue medicine~~; a seizure medication/management order authorization if:

(i) the student exhibits a symptom that warrants administering ~~intranasal midazolam~~ a prescribed seizure rescue medication; and

(ii) a licensed health care professional is not immediately available.

(b) A school employee who administers ~~intranasal midazolam~~ a prescribed seizure rescue medication in accordance with Subsection (6)(a) shall:

(i) direct another individual to call 911; and

(ii) take other appropriate actions in accordance with the training described in Subsection (4)(a).

(7) A school employee who provides or ~~receives~~ completes training or administers ~~intranasal midazolam~~ a prescribed seizure rescue medication under this section in good faith is not liable in any civil or criminal action for an act taken or not taken under this section.

(8) Section 53A-11-601 does not apply to the administration of ~~intranasal midazolam~~ a prescribed seizure rescue medication in accordance with this section.

(9) Section 53A-11-904 does not apply to the possession or administration of ~~intranasal midazolam~~ a prescribed seizure rescue medication in accordance with this section.

(10) The unlawful or unprofessional conduct provisions of Title 58, Occupations and Professions, do not apply to a person licensed as a health professional under Title 58, Occupations and Professions, including a nurse, physician, or pharmacist who, in good faith, trains nonlicensed volunteers to administer ~~intranasal midazolam~~ a prescribed seizure rescue medication in accordance with this section.

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### Legislative Review Note

as of ~~2-26-15 8:58 AM~~

~~Office of Legislative Research and General Counsel~~