

**Senator Stephen H. Urquhart** proposes the following substitute bill:

**RESCUE MEDICATION IN SCHOOLS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephen H. Urquhart**

House Sponsor: Gage Froerer

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**LONG TITLE**

**General Description:**

This bill provides for a trained public school employee volunteer to administer a seizure rescue medication under certain conditions.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires the Department of Health to develop a training program for the administration of seizure rescue medications by a school employee volunteer;
- ▶ requires a public school to provide training for the administration of a seizure rescue medication to a school employee who volunteers to receive training;
- ▶ provides for a trained school employee to administer a seizure rescue medication under certain conditions; and
- ▶ provides certain exemptions from liability.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**



26 ENACTS:

27 53A-11-603.5, Utah Code Annotated 1953

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

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

31 **53A-11-603.5. Trained school employee volunteers -- Administration of seizure**  
 32 **rescue medication -- Exemptions from liability.**

33 (1) As used in this section:

33a **Ĥ→ (a) "Prescribing health care professional" means:**

33b **(i) a physician and surgeon licensed under Title 58, Chapter 67, Utah Medical**

33c **Practice Act;**

33d **(ii) an osteopathic physician and surgeon licensed under Title 58, Chapter 68, Utah**

33e **Osteopathic Medical Practice Act;**

33f **(iii) an advanced practice registered nurse licensed under Title 58, Chapter 31b,**

33g **Nurse Practice Act; or**

33h **(iv) a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act.**

34 ~~[(a)]~~ **(b) ←Ĥ "Section 504 accommodation plan" means a plan developed pursuant to Section**  
 35 **504 of the Rehabilitation Act of 1973, as amended, to provide appropriate accommodations to**  
 36 **an individual with a disability to ensure access to major life activities.**

37 **Ĥ→ [(b)] (c) ←Ĥ "Seizure rescue authorization" means a student's Section 504**  
 37a **accommodation plan**

38 **that:**

39 (i) certifies that:

40 **(A) a Ĥ→ [licensed] prescribing ←Ĥ health care professional has prescribed a seizure**  
 40a **rescue medication for**

41 **the student;**

42 **(B) the student's parent or legal guardian has previously administered the student's**  
 43 **seizure rescue medication in a nonmedically-supervised setting without a complication; and**

44 **(C) the student has previously ceased having full body prolonged or convulsive seizure**  
 45 **activity as a result of receiving the seizure rescue medication;**

46 **(ii) describes the specific seizure rescue medication authorized for the student,**  
 47 **including the indicated dose, and instructions for administration;**

48 **(iii) requests that the student's public school identify and train school employees who**  
 49 **are willing to volunteer to receive training to administer a seizure rescue medication in**

50 accordance with this section; and

51 (iv) authorizes a trained school employee volunteer to administer a seizure rescue

52 medication in accordance with this section.

53 ~~H~~→ ~~(e)~~ **(d)** ←~~H~~ (i) "Seizure rescue medication" means a medication, prescribed by a

53a ~~H~~→ ~~[licensed]~~ **prescribing** ←~~H~~ health

54 care professional, to be administered as described in a student's seizure rescue authorization,

55 while the student experiences seizure activity.

56 (ii) A seizure rescue medication does not include a medication administered

57 intravenously ~~H~~→ [E] or intramuscularly.

58 ~~(d)~~ (e) ←H "Trained school employee volunteer" means an individual who:

59 (i) is an employee of a public school where at least one student has a seizure rescue  
60 authorization;

61 (ii) is at least 18 years old; and

62 (iii) as described in this section:

63 (A) volunteers to receive training in the administration of a seizure rescue medication;

64 (B) completes a training program described in this section;

65 (C) demonstrates competency on an assessment; and

66 (D) completes annual refresher training each year that the individual intends to remain

67 a trained school employee volunteer.

68 (2) (a) The Department of Health shall, with input from the State Board of Education  
69 and a children's hospital, develop a training program for trained school employee volunteers in  
70 the administration of seizure rescue medications that includes:

71 (i) techniques to recognize symptoms that warrant the administration of a seizure  
72 rescue medication;

73 (ii) standards and procedures for the storage of a seizure rescue medication;

74 (iii) procedures, in addition to administering a seizure rescue medication, in the event  
75 that a student requires administration of the seizure rescue medication, including:

76 (A) calling 911; and

77 (B) contacting the student's parent or legal guardian;

78 (iv) an assessment to determine if an individual is competent to administer a seizure  
79 rescue medication;

80 (v) an annual refresher training component; and

81 (vi) written materials describing the information required under this Subsection (2)(a).

82 (b) A public school shall retain for reference the written materials described in

83 Subsection (2)(a)(vi).

84 (c) The following individuals may provide the training described in Subsection (2)(a):

85 (i) a school nurse; or

86 (ii) a licensed health care professional.

87 (3) (a) A public school shall, after receiving a seizure rescue authorization:

88 (i) inform school employees of the opportunity to be a school employee volunteer; and  
89 (ii) subject to Subsection (3)(b)(ii), provide training, to each school employee who  
90 volunteers, using the training program described in Subsection (2)(a).

91 (b) A public school may not:

92 (i) obstruct the identification or training of a trained school employee volunteer; or  
93 (ii) compel a school employee to become a trained school employee volunteer.

94 (4) A trained school employee volunteer may possess or store a prescribed rescue  
95 seizure medication, in accordance with this section.

96 (5) A trained school employee volunteer may administer a seizure rescue medication to  
97 a student with a seizure rescue authorization if:

98 (a) the student is exhibiting a symptom, described on the student's seizure rescue  
99 authorization, that warrants the administration of a seizure rescue medication; and

100 (b) a licensed health care professional is not immediately available to administer the  
101 seizure rescue medication.

102 (6) A trained school employee volunteer who administers a seizure rescue medication  
103 shall direct an individual to call 911 and take other appropriate actions in accordance with the  
104 training described in Subsection (2).

105 (7) A trained school employee volunteer who administers a seizure rescue medication  
106 in accordance with this section in good faith is not liable in a civil or criminal action for an act  
107 taken or not taken under this section.

108 (8) Section [53A-11-601](#) does not apply to the administration of a seizure rescue  
109 medication.

110 (9) Section [53A-11-904](#) does not apply to the possession of a seizure rescue medication  
111 in accordance with this section.

112 (10) (a) The unlawful or unprofessional conduct provisions of Title 58, Occupations  
113 and Professions, do not apply to a person licensed as a health care professional under Title 58,  
114 Occupations and Professions, including a nurse, physician, or pharmacist for, in good faith,  
115 training a nonlicensed school employee who volunteers to administer a seizure rescue  
116 medication in accordance with this section.

117 (b) Allowing a trained school employee volunteer to administer a seizure rescue  
118 medication in accordance with this section does not constitute unlawful or inappropriate

119 delegation under Title 58, Occupations and Professions.