

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: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ provides for the administration of 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 a prescribed seizure rescue medication to a public school student under certain circumstances; and
- ▶ requires the Department of Health to:
 - create a 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:



26 None

27 **Utah Code Sections Affected:**

28 ENACTS:

29 **53A-11-603.5**, Utah Code Annotated 1953



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

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

33 **53A-11-603.5. Administration of a prescribed seizure rescue medication --**
34 **Training of volunteer school personnel -- Authority to use a prescribed seizure rescue**
35 **medication -- Immunity from liability.**

36 (1) As used in this section, "seizure medication/management order authorization"
37 means a statement signed by a physician and a parent or legal guardian of a student with
38 epilepsy that:

- 39 (a) certifies that the student with epilepsy:
 - 40 (i) has a prescription for a seizure rescue medication;
 - 41 (ii) may receive the prescribed seizure rescue medication when the student experiences
42 full body convulsive seizure activity associated with a loss of consciousness;
 - 43 (iii) has previously received the prescribed seizure rescue medication in a
44 non-medically supervised setting by the student's parent or guardian without a complication;
 - 45 (iv) has previously ceased having full body convulsive seizure activity as a result of
46 receiving the prescribed seizure rescue medication;
- 47 (b) requests that the public school of the student with epilepsy identify and train school
48 employees who volunteer to receive training in administering a prescribed seizure rescue
49 medication in accordance with this section;
- 50 (c) authorizes a trained school employee to administer a prescribed seizure rescue
51 medication to the student with epilepsy in an emergency, in accordance with this section; and
- 52 (d) specifies the seizure rescue medication for which the student has a prescription.

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

- 54 (a) create a seizure medication/management order authorization form for a public
55 school to use in accordance with this section; and
- 56 (b) develop standards to assess whether a school employee who receives training under

57 Subsection (3) is competent to administer a prescribed seizure rescue medication.

58 (3) A public school:

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

64 (b) shall permit all willing school employees who are 18 years or older to receive
65 training in administering a prescribed seizure rescue medication;

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

68 (d) may not obstruct the identification or training of a volunteer under this Subsection
69 (3).

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

73 (i) techniques for recognizing a seizure symptom specific to a student with a seizure
74 medication/management order authorization;

75 (ii) standards and procedures for the storage and competent administration of a
76 prescribed seizure rescue medication;

77 (iii) other emergency procedures in the event a school employee administers a
78 prescribed seizure rescue medication, including calling 911 and contacting the student's parent
79 or guardian;

80 (iv) written material covering the information described in this Subsection (4)(a); and

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

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

85 (5) (a) A public school shall permit a school employee to securely store on school
86 property or possess a prescribed seizure rescue medication for a student with a seizure
87 medication/management order authorization if the school employee:

88 (i) receives the training described in Subsection (4)(a); and
89 (ii) demonstrates competency in accordance with the Department of Health standards
90 described in Subsection (2)(b).

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

93 (i) administer the medication to a student who has a seizure medication/management
94 order authorization;

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

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

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

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

102 (6) (a) A school employee who receives training under Subsection (3) may administer a
103 prescribed seizure rescue medication at school or a school activity to a student with a seizure
104 medication/management order authorization if:

105 (i) the student exhibits a symptom that warrants administering a prescribed seizure
106 rescue medication; and

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

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

110 (i) direct another individual to call 911; and

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

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

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

118 (9) Section 53A-11-904 does not apply to the possession or administration of a

119 prescribed seizure rescue medication in accordance with this section.

120 (10) The unlawful or unprofessional conduct provisions of Title 58, Occupations and

121 Professions, do not apply to a person licensed as a health professional under Title 58,

122 Occupations and Professions, including a nurse, physician, or pharmacist who, in good faith,

123 trains nonlicensed volunteers to administer a prescribed seizure rescue medication in

124 accordance with this section.