

Representative Douglas V. Sagers proposes the following substitute bill:

EPILEPSY TRAINING IN PUBLIC SCHOOLS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Douglas V. Sagers

Senate Sponsor: Stephen H. Urquhart

LONG TITLE

General Description:

This bill provides for the administration of intranasal midazolam to a public school student under certain conditions.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the Department of Health, with input from an association of school nurses and an association of medical doctors, to develop:
 - an intranasal midazolam authorization form for use in a public school;
 - a training program and competency assessment for administration of intranasal midazolam; and
 - a list of qualified licensed health care personnel who are willing to train a school employee to administer intranasal midazolam;
 - ▶ provides for a school employee who is not a licensed health care professional to administer intranasal midazolam to a public school student under certain conditions;
- and
- ▶ provides certain exemptions from liability.

Money Appropriated in this Bill:



26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 ENACTS:

31 **53A-11-600.5**, Utah Code Annotated 1953

32 **53A-11-603.5**, Utah Code Annotated 1953



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

35 Section 1. Section **53A-11-600.5** is enacted to read:

36 **53A-11-600.5. Definitions.**

37 As used in this part:

38 (1) "Individualized Education Program" or "IEP" means a written statement for a
39 student with a disability that is developed, reviewed, and revised in accordance with the
40 Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

41 (2) "Intranasal midazolam authorization" means:

42 (a) a form, described in Section **53A-11-603.5**, that includes a statement signed by a
43 physician and the parent or legal guardian of a student with epilepsy, that:

44 (i) certifies that the student with epilepsy:

45 (A) has a prescription for intranasal midazolam;

46 (B) may receive intranasal midazolam when the student experiences full body

46a **H→ prolonged or ←H**

47 convulsive seizure activity described in a plan of care, provided by the student's physician, on
48 file with the student's school;

49 (C) has previously received intranasal midazolam administered by the student's parent
50 or legal guardian in a nonmedically-supervised setting without a complication; and

51 (D) has previously ceased having full body convulsive seizure activity as a result of
52 receiving intranasal midazolam;

53 (ii) describes the student's specific symptoms that warrant administration of intranasal
54 midazolam;

55 (iii) requests that the public school of a student with an intranasal midazolam

56 authorization identify and train at least three **H→ trained ←H** school employee volunteers; and

57 (iv) authorizes a ~~H~~→ **trained** ~~←H~~ school employee volunteer to administer intranasal
 57a midazolam in an
 58 emergency to a student with an intranasal midazolam authorization, as described in this
 59 section; or

60 (b) one of the following that contains all of the information described in Subsection
 61 (2)(a):

62 (i) a Section 504 accommodation plan;

63 (ii) an IEP; or

64 (iii) a health plan approved by a school.

64a ~~H~~→ **(3) "Section 504 accomodation plan" means a plan developed purusant to Section 504**
 64b **of the Rehabilitation Act of 1973, as amended, to provide appropriate accomodations to an**
 64c **individual with a disability to ensure access to major life activities.**

65 ~~[(3) "School]~~ **(4) "Trained school ~~←H~~ employee volunteer"** means an individual who:

66 (a) is an employee of a public school where at least one student has an intranasal
 67 midazolam authorization;

68 (b) is 18 years old or older;

69 (c) is certified in cardiopulmonary resuscitation; and

70 (d) as described in Section [53A-11-603.5](#):

71 (i) volunteers to receive training in administering intranasal midazolam;

72 (ii) completes a training program; and

73 (iii) demonstrates competency on an assessment.

74 ~~H~~→ ~~[(4) "Section 504 accommodation plan" means a plan developed pursuant to Section~~
 75 ~~**504 of the Rehabilitation Act of 1973, as amended, to provide appropriate accommodations to**~~
 76 ~~**an individual with a disability to ensure access to major life activities.]** ~~←H~~~~

77 Section 2. Section **53A-11-603.5** is enacted to read:

78 **53A-11-603.5. Administration of intranasal midazolam -- Training of school**

78a ~~H~~→ **trained** ~~←H~~

79 **employee volunteers -- Authority to use intranasal midazolam -- Immunity from liability.**

80 (1) The Department of Health, in cooperation with the State Board of Education and
 81 with input from an association of school nurses and an association of medical doctors, shall:

82 (a) create an intranasal midazolam authorization form for a public school to use as
 83 described in this section;

84 (b) develop a training program for a ~~H~~→ **trained** ~~←H~~ school employee volunteer that
includes:

85 (i) techniques for recognizing the specific seizure symptoms described in a student's
86 intranasal midazolam authorization;

87 (ii) standards and procedures for the storage and competent administration of intranasal

88 midazolam;
89 (iii) other emergency procedures in the event a ~~H~~→ **trained** ←~~H~~ school employee
89a volunteer administers
90 intranasal midazolam, including:
91 (A) calling 911; and
92 (B) contacting the student's parent or legal guardian;
93 (iv) general seizure first aid;
94 (v) written material covering the information described in this Subsection (1)(b); and
95 (vi) an assessment to determine if an individual is competent to administer intranasal
96 midazolam; and
97 (c) maintain a list of qualified licensed health care personnel who are willing to
98 provide the training described in Subsection (1)(b) to an individual who volunteers to become a
99 ~~H~~→ **trained** ←~~H~~ school employee volunteer.
100 (2) A public school where at least one student has an intranasal midazolam
101 authorization form shall coordinate with a provider on the list of qualified licensed health care
102 personnel described in Subsection (1)(c) to provide:
103 (a) the training described in Subsection (1)(b) to an individual who volunteers to
104 become a ~~H~~→ **trained** ←~~H~~ school employee volunteer; and
105 (b) annual refresher training to a ~~H~~→ **trained** ←~~H~~ school employee volunteer.
106 (3) (a) Except as provided in Subsection (3)(b), a nonlicensed individual may not
107 remove intranasal midazolam from a locked secure location on school property.
108 (b) A ~~H~~→ **trained** ←~~H~~ school employee volunteer may:
109 (i) administer intranasal midazolam in accordance with Subsection (4);
110 (ii) accept intranasal midazolam for storage if the parent or legal guardian of a student
111 with an intranasal midazolam authorization provides the intranasal midazolam as described in
112 Subsection (3)(c);
113 (iii) return unused intranasal midazolam to the parent or legal guardian of a student
114 with an intranasal midazolam authorization;
115 (iv) for a student who is 18 years old or older and has an intranasal midazolam
116 authorization:
117 (A) accept the intranasal midazolam for storage if the intranasal midazolam is fully
118 assembled and labeled with the student's name and dosage; or

119 (B) return unused intranasal midazolam to the student; or

120 (v) give the intranasal midazolam to a school nurse.

121 (c) A parent or legal guardian of a student with an intranasal midazolam authorization:

122 (i) shall provide the intranasal midazolam:

123 (A) directly to a school nurse or ~~H~~→ **trained** ←~~H~~ school employee volunteer; and

124 (B) fully assembled and labeled with the student's name and dosage; and

125 (ii) may not allow the student to transport the intranasal midazolam to school if the
 126 student is under 18 years old.

127 (4) (a) A ~~H~~→ **trained** ←~~H~~ school employee volunteer may administer intranasal
 127a midazolam to a student

128 with an intranasal midazolam authorization if:

129 (i) the student exhibits a symptom, described in the student's intranasal midazolam
 130 authorization, that warrants administering intranasal midazolam; and

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

132 (b) A ~~H~~→ **trained** ←~~H~~ school employee volunteer who administers intranasal
 132a midazolam under

133 Subsection (4)(a) shall:

134 (i) call 911 or direct another individual to call 911; and

135 (ii) take other appropriate action in accordance with the training described in

136 Subsection (1)(b).

137 (5) A ~~H~~→ **trained** ←~~H~~ school employee volunteer who administers intranasal midazolam
 137a in accordance

138 with this section in good faith is not liable in a civil or criminal action for an act taken or not
 139 taken under this section.

140 (6) Section 53A-11-601 does not apply to the administration of intranasal midazolam.

141 (7) Section 53A-11-904 does not apply to the possession of intranasal midazolam in
 142 accordance with this section.

143 (8) (a) The unlawful or unprofessional conduct provisions of Title 58, Occupations and
 144 Professions, do not apply to a person licensed as a health professional under Title 58,
 145 Occupations and Professions, including a nurse, physician, or pharmacist for, in good faith,
 146 training a nonlicensed ~~H~~→ **trained** ←~~H~~ school employee volunteer to administer intranasal
 146a midazolam in
 147 accordance with this section.

148 (b) Allowing a ~~H~~→ **trained** ←~~H~~ school employee volunteer to administer intranasal
 148a midazolam in

149 accordance with this section does not constitute unlawful or inappropriate delegation under

150 Title 58, Occupations and Professions.