

EPILEPSY TRAINING IN PUBLIC SCHOOLS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Douglas V. Sagers

Senate Sponsor: _____

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 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:

None

Other Special Clauses:



28 None

29 **Utah Code Sections Affected:**

30 ENACTS:

31 **53A-11-603.5**, Utah Code Annotated 1953



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

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

35 **53A-11-603.5. Administration of intranasal midazolam -- Training of school**
36 **employee volunteers -- Authority to use intranasal midazolam -- Immunity from liability.**

37 (1) As used in this section:

38 (a) "Intranasal midazolam authorization" means a statement, signed by a physician and
39 the parent or legal guardian of a student with epilepsy, that:

40 (i) certifies that the student with epilepsy:

41 (A) has a prescription for intranasal midazolam;

42 (B) may receive intranasal midazolam when the student experiences full body
43 convulsive seizure activity;

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

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

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

50 (iii) requests that the public school of a student with an intranasal midazolam
51 authorization identify and train at least three school employee volunteers; and

52 (iv) authorizes a school employee volunteer to administer intranasal midazolam in an
53 emergency to a student with an intranasal midazolam authorization, as described in this
54 section.

55 (b) "School employee volunteer" means an individual who:

56 (i) is an employee of a public school where at least one student has an intranasal
57 midazolam authorization;

58 (ii) is 18 years old or older;

- 59 (iii) is certified in cardiopulmonary resuscitation;
60 (iv) volunteers to receive training in administering intranasal midazolam as described
61 in this section;
62 (v) completes a training program described in Subsection (2)(b); and
63 (vi) demonstrates competency on the assessment described in Subsection (2)(b)(vi).
64 (2) The Department of Health, in cooperation with the State Board of Education and
65 with input from an association of school nurses and an association of medical doctors, shall:
66 (a) create an intranasal midazolam authorization for a public school to use as described
67 in this section;
68 (b) develop a training program for a school employee volunteer that includes:
69 (i) techniques for recognizing the specific seizure symptoms described in a student's
70 intranasal midazolam authorization;
71 (ii) standards and procedures for the storage and competent administration of intranasal
72 midazolam;
73 (iii) other emergency procedures in the event a school employee volunteer administers
74 intranasal midazolam, including:
75 (A) calling 911; and
76 (B) contacting the student's parent or legal guardian;
77 (iv) general seizure first aid;
78 (v) written material covering the information described in this Subsection (2)(b); and
79 (vi) an assessment to determine if an individual is competent to administer intranasal
80 midazolam; and
81 (c) maintain a list of qualified licensed health care personnel who are willing to
82 provide the training described in Subsection (2)(b) to an individual who volunteers to become a
83 school employee volunteer.
84 (3) A public school where at least one student has an intranasal midazolam
85 authorization form shall coordinate with a provider on the list of qualified licensed health care
86 personnel described in Subsection (2)(c) to provide:
87 (a) the training described in Subsection (2)(b) to an individual who volunteers to
88 become a school employee volunteer; and
89 (b) annual refresher training to a school employee volunteer.

90 (4) (a) Except as provided in Subsection (4)(b), a nonlicensed individual may not
91 remove intranasal midazolam from a locked secure location on school property.

92 (b) A school employee volunteer may:

93 (i) administer intranasal midazolam in accordance with Subsection (5);

94 (ii) accept intranasal midazolam for storage if the parent or legal guardian of a student
95 with an intranasal midazolam authorization provides the intranasal midazolam as described in
96 Subsection (4)(c);

97 (iii) return unused intranasal midazolam to the parent or legal guardian of a student
98 with an intranasal midazolam authorization;

99 (iv) for a student who is 18 years old or older and has an intranasal midazolam
100 authorization:

101 (A) accept the intranasal midazolam for storage if the intranasal midazolam is fully
102 assembled and labeled with the student's name and dosage; or

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

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

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

106 (i) shall provide the intranasal midazolam:

107 (A) directly to a school nurse or school employee volunteer; and

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

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

111 (5) (a) A school employee volunteer may administer intranasal midazolam to a student
112 with an intranasal midazolam authorization if:

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

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

116 (b) A school employee volunteer who administers intranasal midazolam under
117 Subsection (5)(a) shall:

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

119 (ii) take other appropriate action in accordance with the training described in
120 Subsection (2)(b).

121 (6) A school employee volunteer who administers intranasal midazolam in accordance
122 with this section in good faith is not liable in a civil or criminal action for an act taken or not
123 taken under this section.

124 (7) Section [53A-11-601](#) does not apply to the administration of intranasal midazolam.

125 (8) Section [53A-11-904](#) does not apply to the possession of intranasal midazolam in
126 accordance with this section.

127 (9) The unlawful or unprofessional conduct provisions of Title 58, Occupations and
128 Professions, do not apply to a person licensed as a health professional under Title 58,
129 Occupations and Professions, including a nurse, physician, or pharmacist for, in good faith,
130 training a nonlicensed school employee volunteer to administer intranasal midazolam in
131 accordance with this section.

Legislative Review Note
Office of Legislative Research and General Counsel