

## HB0075S01 compared with HB0075

~~text~~ shows text that was in HB0075 but was deleted in HB0075S01.

text shows text that was not in HB0075 but was inserted into HB0075S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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:** \_\_\_\_\_

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#### 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

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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:

None

### Utah Code Sections Affected:

ENACTS:

[53A-11-600.5, Utah Code Annotated 1953](#)

[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}~~ [53A-11-600.5](#) is enacted to read:

[53A-11-603](#) [53A-11-600.5](#). ~~{ Administration of intranasal midazolam -- Training of school employee volunteers -- Authority to use intranasal midazolam -- Immunity from liability.~~

~~— (1) } [Definitions.](#)~~

As used in this ~~{section:~~

~~— (a) } [part:](#)~~

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

[\(2\) "Intranasal midazolam authorization" means:](#)

[\(a\) a form, described in Section 53A-11-603.5, that includes a statement~~{†}~~ signed by a physician and the parent or legal guardian of a student with epilepsy, that:](#)

[\(i\) certifies that the student with epilepsy:](#)

[\(A\) has a prescription for intranasal midazolam;](#)

[\(B\) may receive intranasal midazolam when the student experiences full body](#)

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

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

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

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

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

(iv) authorizes a school employee volunteer to administer intranasal midazolam in an emergency to a student with an intranasal midazolam authorization, as described in this section; or

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

(i) a Section 504 accommodation plan;

(ii) an IEP; or

(iii) a health plan approved by a school.

~~(b)3~~ "School employee volunteer" means an individual who:

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

~~(ii)b~~ is 18 years old or older;

~~(iii)c~~ is certified in cardiopulmonary resuscitation; and

(d) as described in Section 53A-11-603.5:

~~(iv)i~~ volunteers to receive training in administering intranasal midazolam ~~as described in this section~~;

~~(v)ii~~ completes a training program ~~described in Subsection (2)(b)~~; and

~~(vi)iii~~ demonstrates competency on ~~the~~ an assessment ~~described in Subsection (2)(b)(vi)~~.

~~(2)~~.

(4) "Section 504 accommodation plan" means a plan developed pursuant to Section

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504 of the Rehabilitation Act of 1973, as amended, to provide appropriate accommodations to an individual with a disability to ensure access to major life activities.

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

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

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

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

(b) develop a training program for a school employee volunteer that includes:

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

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

(iii) other emergency procedures in the event a school employee volunteer administers intranasal midazolam, including:

(A) calling 911; and

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

(iv) general seizure first aid;

(v) written material covering the information described in this Subsection (~~f2~~1)(b);

and

(vi) an assessment to determine if an individual is competent to administer intranasal midazolam; and

(c) maintain a list of qualified licensed health care personnel who are willing to provide the training described in Subsection (~~f2~~1)(b) to an individual who volunteers to become a school employee volunteer.

(~~f3~~2) A public school where at least one student has an intranasal midazolam authorization form shall coordinate with a provider on the list of qualified licensed health care personnel described in Subsection (~~f2~~1)(c) to provide:

(a) the training described in Subsection (~~f2~~1)(b) to an individual who volunteers to become a school employee volunteer; and

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(b) annual refresher training to a school employee volunteer.

(~~f4~~3) (a) Except as provided in Subsection (~~f4~~3)(b), a nonlicensed individual may not remove intranasal midazolam from a locked secure location on school property.

(b) A school employee volunteer may:

(i) administer intranasal midazolam in accordance with Subsection (~~f5~~4);

(ii) accept intranasal midazolam for storage if the parent or legal guardian of a student with an intranasal midazolam authorization provides the intranasal midazolam as described in Subsection (~~f4~~3)(c);

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

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

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

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

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

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

(i) shall provide the intranasal midazolam:

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

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

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

(~~f5~~4) (a) A school employee volunteer may administer intranasal midazolam to a student with an intranasal midazolam authorization if:

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

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

(b) A school employee volunteer who administers intranasal midazolam under Subsection (~~f5~~4)(a) shall:

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

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

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Subsection ~~(12)1~~(b).

~~(16)5~~ A school employee volunteer who administers intranasal midazolam in accordance with this section in good faith is not liable in a civil or criminal action for an act taken or not taken under this section.

~~(17)6~~ Section 53A-11-601 does not apply to the administration of intranasal midazolam.

~~(18)7~~ Section 53A-11-904 does not apply to the possession of intranasal midazolam in accordance with this section.

~~(19)8~~ (a) 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 for, in good faith, training a nonlicensed school employee volunteer to administer intranasal midazolam in accordance with this section.

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### **Legislative Review Note**

~~Office of Legislative Research and General Counsel~~ (b) Allowing a school employee volunteer to administer intranasal midazolam in accordance with this section does not constitute unlawful or inappropriate delegation under Title 58, Occupations and Professions.