

RESCUE MEDICATION IN SCHOOLS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen H. Urquhart

House Sponsor: Gage Froerer

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

▶ defines terms;

13a **Ŝ→ ▶ requires the Department of Health to develop a training program for the**
13b **administration of seizure rescue medications; ←Ŝ**

▶ requires a public school to provide training for the administration of a seizure rescue medication to a school employee volunteer;

▶ provides for a 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:

ENACTS:

53A-11-603.5, Utah Code Annotated 1953

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



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

29 **53A-11-603.5. Training of school employee volunteers -- Administration of seizure**
30 **rescue medication -- Exemptions from liability.**

31 (1) As used in this section:

32 (a) "School employee volunteer" means an individual who:

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

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

36 (iii) as described in this section:

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

38 and

39 (B) completes a training program described in this section.

40 (b) "Section 504 accommodation plan" means a plan developed pursuant to Section
41 504 of the Rehabilitation Act of 1973, as amended, to provide appropriate accommodations to
42 an individual with a disability to ensure access to major life activities.

43 (c) "Seizure rescue authorization" means a student's Section 504 accommodation plan
44 that:

45 (i) certifies that a licensed healthcare professional has prescribed a seizure rescue
46 medication for the student;

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

49 (iii) requests that the student's public school identify and train school employee
50 volunteers to administer a seizure rescue medication in accordance with this section; and

51 (iv) authorizes a school employee volunteer to administer a seizure rescue medication
52 in accordance with this section.

53 (d) "Seizure rescue medication" means a medication, prescribed by a licensed
54 healthcare professional, to be administered as described in a student's seizure rescue
55 authorization, while the student experiences seizure activity.

56 (2) (a) A public school shall, after receiving a seizure rescue authorization:

57 (i) inform school employees of the opportunity to be a school employee volunteer; and

58 (ii) provide ~~the~~ training ~~in administering a seizure rescue medication~~

58a described in Subsection (2)(d) ~~to~~ at least two school employee volunteers ~~in~~

58b administering seizure ☺

59 ~~rescue medication~~ ←Ŝ :

60 (b) A public school shall allow all willing school personnel to receive the training
61 described in Subsection (2)(a)(ii).

62 (c) A public school may not obstruct the identification or training of school employee
63 volunteers.

63a **Ŝ→ (d) The Department of Health shall, with input from the State Board of Education and**
63b **a children's hospital, develop a training program for school employee volunteers in the**
63c **administration of seizure rescue medications. ←Ŝ**

64 **Ŝ→** ~~(d)~~ (e) ←Ŝ The following individuals may provide the training described in Subsection
64a (2)(a) Ŝ→ (ii) ←Ŝ :

65 (i) a school nurse;

66 (ii) an individual who is medication aide certified, as defined in Section [58-31b-102](#); or

67 (iii) a licensed medical professional.

68 (3) (a) The training described in Subsection (2)(a)(ii) shall include:

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

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

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

74 (A) calling 911; and

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

76 (iv) written materials describing the information required under this Subsection (3)(a).

77 (b) A public school shall retain for reference the written materials described in
78 Subsection (3)(a)(iv).

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

81 (5) (a) A school employee volunteer may administer a seizure rescue medication to a
82 student with a seizure rescue authorization if:

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

85 (ii) a licensed healthcare professional is not immediately available to administer the
86 seizure rescue medication.

87 (6) A school employee volunteer who administers a seizure rescue medication shall
88 direct an individual to call 911 and take other appropriate actions in accordance with the
89 written training materials described in Subsection (3)(b).

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

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

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

97 (10) (a) The unlawful or unprofessional conduct provisions of Title 58, Occupations
98 and Professions, do not apply to a person licensed as a healthcare professional under Title 58,
99 Occupations and Professions, including a nurse, physician, or pharmacist for, in good faith,
100 training a nonlicensed school employee volunteer to administer a seizure rescue medication in
101 accordance with this section.

102 (b) Allowing a school employee volunteer to administer a seizure rescue medication in
103 accordance with this section does not constitute unlawful or inappropriate delegation under
104 Title 58, Occupations and Professions.

Legislative Review Note
Office of Legislative Research and General Counsel