

Senator Stephen H. Urquhart proposes the following substitute bill:

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 trained public school employee volunteer to administer a seizure rescue medication under certain conditions.

Highlighted Provisions:

This bill:

- defines terms;
- requires the Department of Health to develop a training program for the administration of seizure rescue medications by a school employee volunteer;
- requires a public school to provide training for the administration of a seizure rescue medication to a school employee who volunteers to receive training;
- provides for a trained 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:



26 ENACTS:

27 53A-11-603.5, Utah Code Annotated 1953



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

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

31 **53A-11-603.5. Trained school employee volunteers -- Administration of seizure**
32 **rescue medication -- Exemptions from liability.**

33 (1) As used in this section:

34 (a) "Section 504 accommodation plan" means a plan developed pursuant to Section
35 504 of the Rehabilitation Act of 1973, as amended, to provide appropriate accommodations to
36 an individual with a disability to ensure access to major life activities.

37 (b) "Seizure rescue authorization" means a student's Section 504 accommodation plan
38 that:

39 (i) certifies that:

40 (A) a licensed health care professional has prescribed a seizure rescue medication for
41 the student;

42 (B) the student's parent or legal guardian has previously administered the student's
43 seizure rescue medication in a nonmedically-supervised setting without a complication; and

44 (C) the student has previously ceased having full body prolonged or convulsive seizure
45 activity as a result of receiving the seizure rescue medication;

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

48 (iii) requests that the student's public school identify and train school employees who
49 are willing to volunteer to receive training to administer a seizure rescue medication in
50 accordance with this section; and

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

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

56 (ii) A seizure rescue medication does not include a medication administered

57 intravenously.

58 (d) "Trained school employee volunteer" means an individual who:

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

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

62 (iii) as described in this section:

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

64 (B) completes a training program described in this section;

65 (C) demonstrates competency on an assessment; and

66 (D) completes annual refresher training each year that the individual intends to remain
67 a trained school employee volunteer.

68 (2) (a) The Department of Health shall, with input from the State Board of Education
69 and a children's hospital, develop a training program for trained school employee volunteers in
70 the administration of seizure rescue medications that includes:

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

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

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

76 (A) calling 911; and

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

78 (iv) an assessment to determine if an individual is competent to administer a seizure
79 rescue medication;

80 (v) an annual refresher training component; and

81 (vi) written materials describing the information required under this Subsection (2)(a).

82 (b) A public school shall retain for reference the written materials described in
83 Subsection (2)(a)(vi).

84 (c) The following individuals may provide the training described in Subsection (2)(a):

85 (i) a school nurse; or

86 (ii) a licensed health care professional.

87 (3) (a) A public school shall, after receiving a seizure rescue authorization:

88 (i) inform school employees of the opportunity to be a school employee volunteer; and
89 (ii) subject to Subsection (3)(b)(ii), provide training, to each school employee who
90 volunteers, using the training program described in Subsection (2)(a).

91 (b) A public school may not:

92 (i) obstruct the identification or training of a trained school employee volunteer; or
93 (ii) compel a school employee to become a trained school employee volunteer.

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

96 (5) A trained school employee volunteer may administer a seizure rescue medication to
97 a student with a seizure rescue authorization if:

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

100 (b) a licensed health care professional is not immediately available to administer the
101 seizure rescue medication.

102 (6) A trained school employee volunteer who administers a seizure rescue medication
103 shall direct an individual to call 911 and take other appropriate actions in accordance with the
104 training described in Subsection (2).

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

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

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

112 (10) (a) The unlawful or unprofessional conduct provisions of Title 58, Occupations
113 and Professions, do not apply to a person licensed as a health care professional under Title 58,
114 Occupations and Professions, including a nurse, physician, or pharmacist for, in good faith,
115 training a nonlicensed school employee who volunteers to administer a seizure rescue
116 medication in accordance with this section.

117 (b) Allowing a trained school employee volunteer to administer a seizure rescue
118 medication in accordance with this section does not constitute unlawful or inappropriate

119 delegation under Title 58, Occupations and Professions.