

SB0232S01 compared with SB0232

~~deleted text~~ shows text that was in SB0232 but was deleted in SB0232S01.

inserted text shows text that was not in SB0232 but was inserted into SB0232S01.

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.

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: _____

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 ~~volunteer~~ who volunteers to receive training;
- ▶ provides for a trained school employee to administer a seizure rescue medication under certain conditions; and

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- ▶ 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:

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

53A-11-603.5. ~~Training of~~ **Trained** school employee volunteers --

Administration of seizure rescue medication -- Exemptions from liability.

(1) As used in this section:

(a) ~~"School~~ **Section 504 accommodation plan"** means a plan developed pursuant to Section 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.

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

(i) certifies that:

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

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

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

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

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

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

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

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

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

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

(ii) is at least 18 years old; and

(iii) as described in this section:

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

(B) completes a training program described in this section ~~f, f~~;

~~(b) "Section 504 accommodation plan" means a plan developed pursuant to Section 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.~~

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

~~(i) certifies that a licensed healthcare professional has prescribed;~~ C) demonstrates competency on an assessment; and

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

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

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

(ii) standards and procedures for the ~~f~~ student;

~~(ii) describes the specific ~~f~~ storage of a seizure rescue medication ~~f~~ authorized for the~~

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~~student, including the indicated dose, and instructions for administration;~~

~~_____ (iii) requests that};~~

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

(A) calling 911; and

(B) contacting the student's {public school identify and train school employee volunteers} parent or legal guardian;

(iv) an assessment to determine if an individual is competent to administer a seizure rescue medication { in accordance with this section; and

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

~~_____ (d) "Seizure rescue medication" means a medication, prescribed by a licensed healthcare};~~

(v) an annual refresher training component; and

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

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

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

(i) a school nurse; or

(ii) a licensed health care professional {, to be administered as described in a student's seizure rescue authorization, while the student experiences seizure activity}.

~~{2}3 (a) A public school shall, after receiving a seizure rescue authorization:~~

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

~~(ii) subject to Subsection (3)(b)(ii), provide training, to {at least two} each school employee who volunteers { in administering seizure rescue medication.~~

~~_____ (b) A public school shall allow all willing school personnel to receive the training};~~
using the training program described in Subsection (2)(a){(ii)}.

~~{c}b A public school may not:~~

(i) obstruct the identification or training of a trained school employee {volunteers.

~~_____ (d) The following individuals may provide the training described in Subsection (2)(a):~~

~~_____ (i) a school nurse;~~

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- ~~(ii) an individual who is medication aide certified, as defined in Section 58-31b-102; or~~
- ~~(iii) a licensed medical professional.~~
- ~~(3) (a) The training described in Subsection (2)(a)(ii) shall include:~~
- ~~(i) techniques to recognize symptoms that warrant the administration of a seizure rescue medication;~~
- ~~(ii) standards and procedures for the storage of a seizure rescue medication;~~
- ~~(iii) procedures, in addition to administering a seizure rescue medication, in the event that a student requires administration of the seizure rescue medication including:~~
- ~~(A) calling 911; and~~
- ~~(B) contacting the student's parent or legal guardian; and~~
- ~~(iv) written materials describing the information required under this Subsection (3)(a).~~
- ~~(b) A public school shall retain for reference the written materials described in Subsection (3)(a)(iv).~~
- ~~(4) A } volunteer; or~~
- ~~(ii) compel a school employee to become a trained school employee volunteer.~~
- ~~(4) A trained school employee volunteer may possess or store a prescribed rescue seizure medication, in accordance with this section.~~
- ~~(5) ~~{(a)}~~ A trained school employee volunteer may administer a seizure rescue medication to a student with a seizure rescue authorization if:~~
- ~~(~~{i}~~)a) the student is exhibiting a symptom, described on the student's seizure rescue authorization, that warrants the administration of a seizure rescue medication; and~~
- ~~(~~{ii}~~)b) a licensed ~~{healthcare}~~health care professional is not immediately available to administer the seizure rescue medication.~~
- ~~(6) A trained school employee volunteer who administers a seizure rescue medication shall direct an individual to call 911 and take other appropriate actions in accordance with the ~~{written}~~ training ~~{materials}~~ described in Subsection (~~{3}~~)~~(b)~~2).~~
- ~~(7) A trained school employee volunteer who administers a seizure rescue medication 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.~~
- ~~(8) Section 53A-11-601 does not apply to the administration of a seizure rescue medication.~~

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

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

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

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Legislative Review Note

~~Office of Legislative Research and General Counsel~~