

SEIZURE-RELATED STUDENT ACCOMMODATIONS

AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to the administration of services and accommodations for students with epilepsy or other seizure disorders.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates requirements for a seizure action plan that may be submitted to a school by the parent of a student with epilepsy or other seizure disorder;
- ▶ allows a school employee to volunteer to be trained to administer seizure-related services for a student with a seizure action plan; and
- ▶ requires the Department of Health to develop a program to train school employees who volunteer to be trained to deliver the seizure-related services specified in a student's seizure action plan.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



28 **53G-9-505**, as last amended by Laws of Utah 2019, Chapters 293 and 349



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

31 Section 1. Section **53G-9-505** is amended to read:

32 **53G-9-505. Trained school employee volunteers -- Administration of seizure**
33 **rescue medication -- Seizure action plans -- Exemptions from liability.**

34 (1) As used in this section:

35 (a) "Prescribing health care professional" means:

36 (i) a physician and surgeon licensed under Title 58, Chapter 67, Utah Medical Practice
37 Act;

38 (ii) an osteopathic physician and surgeon licensed under Title 58, Chapter 68, Utah
39 Osteopathic Medical Practice Act;

40 (iii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
41 Practice Act; or

42 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
43 Assistant Act.

44 (b) "Seizure action plan" means a student's Section 504 accommodation plan that
45 specifies the seizure-related services, other than the administration of seizure rescue
46 medication, that the student needs during school hours or at a school-sponsored activity.

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

49 (i) certifies that:

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

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

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

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

58 (iii) requests that the student's public school identify and train school employees who

59 are willing to volunteer to receive training to administer a seizure rescue medication in
60 accordance with this section; and

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

63 ~~[(e)]~~ (d) (i) "Seizure rescue medication" means a medication, prescribed by a
64 prescribing health care professional, to be administered as described in a student's seizure
65 rescue authorization, while the student experiences seizure activity.

66 (ii) A seizure rescue medication does not include a medication administered
67 intravenously or intramuscularly.

68 ~~[(d)]~~ (e) "Trained school employee volunteer" means an individual who:

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

71 (ii) is at least 18 years old; ~~[and]~~

72 ~~[(iii) as described in this section.]~~

73 ~~[(A)]~~ (iii) volunteers to receive training in the administration of:

74 (A) a seizure rescue medication; or

75 (B) services specified in a student's seizure action plan; and

76 (iv) as described in this section:

77 ~~[(B)]~~ (A) completes a training program ~~[described in this section];~~

78 ~~[(C)]~~ (B) demonstrates competency on an assessment; and

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

81 (2) (a) A parent of a student with epilepsy or another seizure disorder who seeks
82 seizure-related care, other than the administration of seizure rescue medication, in the school
83 setting may submit a seizure action plan to the student's LEA:

84 (i) at the beginning of the school year;

85 (ii) as soon as practicable following the student's diagnosis; or

86 (iii) when the student's care needs change during the school year.

87 (b) A seizure action plan shall include:

88 (i) services or accommodations that a student with epilepsy or another seizure disorder
89 needs during the school day or at a school-sponsored activity;

90 (ii) the student's health care provider's instructions regarding the student's epilepsy or
 91 seizure disorder management during the school day or at a school-sponsored activity; and

92 (iii) emergency contact information.

93 (c) The services and accommodations specified in a seizure action plan shall:

94 (i) be reasonable;

95 (ii) reflect current best practice guidelines for seizure management care; and

96 (iii) include appropriate safeguards to ensure proper disposal of used equipment.

97 (d) The student's parent shall inform the LEA of any changes to the student's seizure
 98 action plan.

99 ~~[(2)]~~ (3) ~~[(a)]~~ The Department of Health shall, with input from the state board and a
 100 children's hospital, develop [a] training [~~program~~] programs for trained school employee
 101 volunteers in:

102 (a) the administration of seizure rescue medications that includes:

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

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

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

108 (A) calling 911; and

109 (B) contacting the student's parent; and

110 (b) administration of seizure-related services that may be specified in a student's
 111 seizure action plan that:

112 (i) includes training in:

113 (A) the basics of seizure recognition and first aid; and

114 (B) appropriate seizure-related emergency protocols; and

115 (ii) is consistent with best practice guidelines issued by the Centers for Disease Control
 116 and Prevention.

117 (4) The training programs described in Subsection (3) shall include:

118 ~~[(iv)]~~ (a) an assessment to determine if an individual is competent to administer a
 119 seizure rescue medication or other seizure-related services;

120 ~~[(v)]~~ (b) an annual refresher training component; and

121 ~~[(vi)]~~ (c) written materials describing the information required under ~~[this]~~ Subsection
 122 ~~[(2)(a)]~~ (3).

123 ~~[(b)]~~ (5) A public school shall retain for reference the written materials described in
 124 Subsection ~~[(2)(a)(vi)]~~ (4)(c).

125 ~~[(e)]~~ (6) (a) The following individuals may provide the training described in Subsection
 126 ~~[(2)]~~ (3)(a):

127 (i) a school nurse; or

128 (ii) a licensed health care professional.

129 (b) The following individuals may provide the training described in Subsection (3)(b):

130 (i) a licensed health care professional with expertise in epilepsy; or

131 (ii) an epilepsy educator who has successfully completed relevant curriculum offered
 132 by the Centers for Disease Control and Prevention.

133 ~~[(3)]~~ (7) (a) A public school shall, after receiving a seizure rescue authorization or
 134 seizure action plan:

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

136 (ii) subject to Subsection ~~[(3)]~~ (7)(b)(ii), provide training, to each school employee
 137 who volunteers, using the training ~~[program]~~ programs described in Subsection ~~[(2)(a)]~~ (3).

138 (b) A public school may not:

139 (i) obstruct the identification or training of a trained school employee volunteer; or

140 (ii) compel a school employee to become a trained school employee volunteer.

141 ~~[(4)]~~ (8) (a) A trained school employee volunteer may possess or store a prescribed
 142 rescue seizure medication, in accordance with this section.

143 (b) In accordance with a student's seizure action plan, the student may possess the
 144 equipment, supplies, and medication necessary to treat the student's epilepsy or other seizure
 145 disorder.

146 ~~[(5)]~~ (9) A trained school employee volunteer may administer a seizure rescue
 147 medication to a student with a seizure rescue authorization if:

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

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

152 ~~[(6)]~~ (10) A trained school employee volunteer who administers a seizure rescue
153 medication shall direct an individual to call 911 and take other appropriate actions in
154 accordance with the training described in Subsection ~~[(2)]~~ (3).

155 ~~[(7)]~~ (11) A trained school employee volunteer who administers a seizure rescue
156 medication or other seizure-related services in accordance with this section in good faith is not
157 liable in a civil or criminal action for an act taken or not taken under this section.

158 ~~[(8)]~~ (12) Section 53G-9-502 does not apply to the administration of a seizure rescue
159 medication.

160 ~~[(9)]~~ (13) Section 53G-8-205 does not apply to the possession of a seizure rescue
161 medication in accordance with this section.

162 ~~[(10)]~~ (14) (a) The unlawful or unprofessional conduct provisions of Title 58,
163 Occupations and Professions, do not apply to a person licensed as a health care professional
164 under Title 58, Occupations and Professions, including a nurse, physician, physician assistant,
165 or pharmacist for, in good faith, training a nonlicensed school employee who volunteers to
166 administer a seizure rescue medication or other seizure-related services in accordance with this
167 section.

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