

STUDENT HEALTH AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rosemary T. Lesser

Senate Sponsor: Jen Plumb

LONG TITLE

General Description:

This bill allows employees of a local education agency to volunteer to administer certain adrenal insufficiency medication within a public school.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ allows employees of a local education agency to volunteer to administer certain adrenal insufficiency medication within a public school under certain circumstances;
- ▶ requires the Department of Health and Human Services, with input from the State Board of Education and a children's hospital, to develop a certain training program in the administration of adrenal insufficiency medication;
- ▶ enacts provisions regarding the authorization and administration of adrenal insufficiency medication;
- ▶ provides protections for the training of volunteers and emergency administration of adrenal insufficiency medication within a public school; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:



28 This bill provides a special effective date.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **53G-9-502**, as last amended by Laws of Utah 2023, Chapter 328

32 **53G-9-505**, as last amended by Laws of Utah 2019, Chapters 293, 349

33 ENACTS:

34 **53G-9-507**, Utah Code Annotated 1953



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

37 Section 1. Section **53G-9-502** is amended to read:

38 **53G-9-502. Administration of medication to students -- Prerequisites -- Immunity**
39 **from liability -- Applicability.**

40 (1) A public or private school that holds any classes in grades kindergarten through 12
41 may provide for the administration of medication to any student during periods when the
42 student is under the control of the school, subject to the following conditions:

43 (a) the local school board, charter school governing board, or the private equivalent,
44 after consultation with the Department of Health and Human Services and school nurses shall
45 adopt policies that provide for:

- 46 (i) the designation of volunteer employees who may administer medication;
- 47 (ii) proper identification and safekeeping of medication;
- 48 (iii) the training of designated volunteer employees by the school nurse;
- 49 (iv) maintenance of records of administration; and
- 50 (v) notification to the school nurse of medication that will be administered to students;

51 and

52 (b) medication may only be administered to a student if:

- 53 (i) the student's parent has provided a current written and signed request that
54 medication be administered during regular school hours to the student; and
- 55 (ii) the student's licensed health care provider has prescribed the medication and
56 provides documentation as to the method, amount, and time schedule for administration, and a
57 statement that administration of medication by school employees during periods when the
58 student is under the control of the school is medically necessary.

59 (2) Authorization for administration of medication by school personnel may be
60 withdrawn by the school at any time following actual notice to the student's parent.

61 (3) School personnel who provide assistance under Subsection (1) in substantial
62 compliance with the licensed health care provider's written prescription and the employers of
63 these school personnel are not liable, civilly or criminally, for:

64 (a) any adverse reaction suffered by the student as a result of taking the medication;

65 and

66 (b) discontinuing the administration of the medication under Subsection (2).

67 (4) Subsections (1) through (3) do not apply to:

68 (a) the administration of glucagon in accordance with Section 53G-9-504;

69 (b) the administration of a seizure rescue medication in accordance with Section
70 53G-9-505; [or]

71 (c) the administration of an opiate antagonist in accordance with Title 26B, Chapter 4,
72 Part 5, Treatment Access[-]; or

73 (d) the administration of an adrenal insufficiency medication in accordance with
74 Section 53G-9-507.

75 Section 2. Section 53G-9-505 is amended to read:

76 **53G-9-505. Trained school employee volunteers -- Administration of seizure**
77 **rescue medication -- Exemptions from liability.**

78 (1) As used in this section:

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

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

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

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

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

88 (b) "Seizure rescue authorization" means a student's [~~Section 504 accommodation~~]
89 individualized healthcare plan that:

90 (i) certifies that:

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

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

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

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

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

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

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

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

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

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

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

113 (iii) as described in this section:

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

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

116 (C) demonstrates competency on an assessment; and

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

119 (2) (a) The Department of Health and Human Services shall, with input from the state
120 board and a children's hospital, develop a training program for trained school employee

121 volunteers in the administration of seizure rescue medications that includes:

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

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

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

127 (A) calling 911; and

128 (B) contacting the student's parent;

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

131 (v) an annual refresher training component; and

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

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

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

136 (i) a school nurse; or

137 (ii) a licensed health care professional.

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

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

140 (ii) subject to Subsection (3)(b)(ii), provide training, to each school employee who
141 volunteers, using the training program described in Subsection (2)(a).

142 (b) A public school may not:

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

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

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

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

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

151 (b) a licensed health care professional is not immediately available to administer the

152 seizure rescue medication.

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

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

159 (8) Section 53G-9-502 does not apply to the administration of a seizure rescue
160 medication.

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

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

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

171 Section 3. Section 53G-9-507 is enacted to read:

172 **53G-9-507. Administration of adrenal insufficiency medication -- Training of**
173 **school personnel -- Authority to use adrenal insufficiency medication -- Immunity from**
174 **liability.**

175 (1) As used in this section:

176 (a) "Adrenal crisis" means a sudden, severe worsening of symptoms associated with
177 adrenal insufficiency, including vomiting, diarrhea, dehydration, low blood pressure, or loss of
178 consciousness, or severe pain in the lower back, abdomen or legs.

179 (b) "Adrenal crisis rescue authorization" means a student's individualized healthcare
180 plan that:

181 (i) certifies that a prescribing health care professional has prescribed an adrenal crisis
182 rescue medication for the student;

183 (ii) describes the specific adrenal crisis rescue medication authorized for the student,
184 including the indicated dose, and instructions for administration;

185 (iii) requests that the student's public school identify and train school employees who
186 are willing to volunteer to receive training to administer an adrenal crisis rescue medication in
187 accordance with this section; and

188 (iv) authorizes a trained school employee volunteer to administer an adrenal crisis
189 rescue medication in accordance with this section.

190 (c) "Adrenal crisis rescue medication" means a medication that a prescribing health
191 care professional prescribes for administration to a student during an adrenal crisis activity as
192 described in a student's adrenal crisis rescue authorization.

193 (d) "Adrenal insufficiency" means an endocrine disorder that occurs when the adrenal
194 glands do not adequately produce adrenal hormones.

195 (e) "Prescribing health care professional" means:

196 (i) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;

197 (ii) an osteopathic physician licensed under Title 58, Chapter 68, Utah Osteopathic
198 Medical Practice Act;

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

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

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

204 (i) is an employee of an LEA in which at least one student is enrolled who has an
205 adrenal crisis rescue authorization;

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

207 (iii) as described in this section:

208 (A) volunteers to receive training in the administration of an adrenal crisis medication;

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

210 (C) demonstrates competency to administer an adrenal crisis rescue medication through
211 an assessment; and

212 (D) completes annual training during each year in which the individual intends to act as
213 a trained school employee volunteer.

214 (2) (a) The Department of Health and Human Services shall, with input from the state
215 board and a children's hospital, develop a training program for trained school employee
216 volunteers in the administration of adrenal crisis rescue medication.

217 (b) A public school shall retain for reference the written materials created for the
218 training program described in Subsection (2)(a).

219 (3) (a) A public school shall, after receiving an adrenal crisis rescue authorization:

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

221 (ii) subject to Subsection (3)(b)(ii), provide training to each school employee who
222 volunteers, using the training described in Subsection (2)(a).

223 (b) A public school may not:

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

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

226 (4) A trained school employee volunteer may:

227 (a) possess or store a prescribed adrenal crisis rescue medication, in accordance with
228 this section; and

229 (b) administer an adrenal crisis rescue medication to a student with an adrenal crisis
230 rescue authorization if:

231 (i) the student exhibits a symptom, described on the student's adrenal crisis rescue
232 authorization, that warrants the administration of an adrenal crisis rescue medication; and

233 (ii) a licensed health care professional is not immediately available to administer the
234 adrenal crisis rescue medication.

235 (5) A trained school employee volunteer who administers an adrenal crisis rescue
236 medication shall take appropriate action in accordance with the training described in
237 Subsection (2).

238 (6) A trained school employee volunteer who administers an adrenal crisis rescue
239 medication in accordance with this section in good faith is not liable in a civil or criminal
240 action for an act taken or not taken under this section.

241 (7) Section [53G-9-502](#) does not apply to the administration of an adrenal crisis rescue
242 medication.

243 (8) Section [53G-8-205](#) does not apply to the possession of an adrenal crisis rescue
244 medication in accordance with this section.

245 (9) (a) The unlawful or unprofessional conduct provisions of Title 58, Occupations and
246 Professions, do not apply to an individual who is licensed as a health care professional under
247 Title 58, Occupations and Professions, including a nurse, physician, physician assistant, or
248 pharmacist, for training, in good faith, a school employee who:

249 (i) volunteers to administer an adrenal crisis rescue medication in accordance with this
250 section; and

251 (ii) is not licensed under Title 58, Occupations and Professions.

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

255 Section 4. **Effective date.**

256 This bill takes effect on July 1, 2024.