

1 HB202  
2 189100-5  
3 By Representative Weaver  
4 RFD: Health  
5 First Read: 11-JAN-18

1 ENGROSSED

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4 A BILL  
5 TO BE ENTITLED  
6 AN ACT  
7

8 Relating to terminally ill students participating in  
9 school activities; to add Chapter 30B to Title 16 of the Code  
10 of Alabama 1975; to create the Alex Hoover Palliative and End  
11 of Life Care Act; to provide for Palliative and End of Life  
12 Individual Health Plans to be created by school nurses in  
13 conjunction with the parents or guardians of a minor with a  
14 terminal illness; to provide immunity to individuals,  
15 physicians, and school employees who undertake to follow the  
16 directives of a Palliative and End of Life Individual Health  
17 Plan; to require the State Board of Education, in consultation  
18 with a task force, to adopt rules for administering Palliative  
19 and End of Life Individual Health Plans to be used in a school  
20 setting; and to establish a temporary task force under the  
21 supervision of the Department of Education to make  
22 recommendations for rules for administering Palliative and End  
23 of Life Individual Health Plans to be used in a school  
24 setting.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. This act shall be known and may be cited  
27 as the Alex Hoover Palliative and End of Life Care Act.

1           Section 2. A new Chapter 30B is added to Title 16,  
2 Code of Alabama 1975, commencing with Section 16-30B-1, to  
3 read as follows:

4           §16-30B-1.

5           A Palliative and End of Life Individual Health Plan  
6 shall be developed and administered in accordance with this  
7 chapter in order to provide guidance to schools, school  
8 nurses, a terminally ill or injured student to whom the plan  
9 applies, and the student's parents or guardians, with regard  
10 to the care provided to that student and expectations for  
11 attendance or participation in school-sponsored activities.

12          §16-30B-2.

13          As used in this chapter, the following terms have  
14 the following meanings:

15           (1) PALLIATIVE AND END OF LIFE INDIVIDUAL HEALTH  
16 PLAN or PLAN. A document that outlines activities of which a  
17 qualified minor may partake in the school setting or in  
18 selected school situations as prescribed in the plan. A plan  
19 shall be developed by the school nurse in conjunction with the  
20 qualified representatives of the qualified minor, as provided  
21 under this chapter, and shall outline the health care to be  
22 provided, including an Order for Pediatric Palliative and End  
23 of Life Care, as defined in Section 22-8A-3, to a qualified  
24 minor in a school setting.

25           (2) QUALIFIED MINOR. The term as it is defined in  
26 Section 22-8A-3.

1 (3) QUALIFIED REPRESENTATIVE. The term as it is  
2 defined in Section 22-8A-3.

3 (4) SCHOOL. Any primary or secondary public school  
4 located in the state.

5 (5) SCHOOL EMPLOYEE. Any individual employed by a  
6 public school system located in the state.

7 (6) SCHOOL NURSE. A nurse licensed by the Alabama  
8 Board of Nursing and employed as a school nurse by a public  
9 school system located in the state.

10 §16-30B-3.

11 (a) Not later than June 1, 2019, the State Board of  
12 Education, in consultation with the task force created  
13 pursuant to Section 16-30B-6, shall adopt rules regarding the  
14 administration of Palliative and End of Life Individual Health  
15 Plans in the school setting. The rules shall include, but are  
16 not limited to, the contents of a plan and procedures for the  
17 execution and termination of a plan.

18 (b) A Palliative and End of Life Individual Health  
19 Plan administered under this chapter shall be developed by the  
20 school nurse, in conjunction with the qualified representative  
21 of the qualified minor.

22 (c) A plan shall include an Order for Pediatric  
23 Palliative and End of Life Care, established pursuant to  
24 Chapter 8A of Title 22; provided, however, the only individual  
25 in a school setting subject to the requirements or  
26 restrictions of an Order for PPEL Care is a school nurse.

1 (d) The Department of Education, in consultation  
2 with the Alabama Board of Nursing and the Alabama Board of  
3 Medical Examiners, may develop guidelines for the training of  
4 school employees in the care needed for qualified minors who  
5 have an executed Palliative and End of Life Individual Health  
6 Plan in place.

7 §16-30B-4.

8 A school employee shall be immune from suit and not  
9 liable for any civil damages as a result of his or her acts or  
10 omissions in the supervision or rendering of services, care,  
11 or assistance to a student under this chapter, nor shall he or  
12 she be liable for any civil damages as a result of any act, or  
13 failure to act, to provide or arrange for further treatment,  
14 care, or assistance.

15 §16-30B-5.

16 An attending physician, as defined in Section  
17 22-8A-3, has no supervisory authority over the school's  
18 execution of the Palliative and End of Life Individual Health  
19 Plan and shall be immune from civil liability for any orders,  
20 acts or omissions directly related to this chapter, including  
21 any vicarious liability for the acts and omissions of school  
22 employees and officials in carrying out the Palliative and End  
23 of Life Individual Health Plan.

24 §16-30B-6.

25 (a) A task force is created to serve under the  
26 supervision of the Alabama Department of Education, to make  
27 recommendations to the State Board of Education for the

1 adoption of rules regarding the administration of Palliative  
2 and End of Life Individual Health Plans in the school setting,  
3 in accordance with Section 16-30B-3. The task force shall  
4 include all of the following representatives:

5 (1) The Department of Education Nurse Administrator.

6 (2) The Department of Education Nurse Manager.

7 (3) One member appointed by the Special Education  
8 Services Division of the Department of Education.

9 (4) Two registered nurses currently working in a  
10 public school setting, appointed by the Department of  
11 Education Nurse Administrator.

12 (5) One member appointed by the Alabama Association  
13 of School Nurses.

14 (6) One member appointed by the Alabama Board of  
15 Nursing.

16 (7) One member appointed by the Children's of  
17 Alabama Palliative Care Team.

18 (8) One member appointed by the University of South  
19 Alabama Children's and Women's Hospital Palliative Care Team.

20 (9) One member appointed by the Alabama Chapter of  
21 the American Academy of Pediatrics.

22 (10) One member appointed by the School  
23 Superintendents of Alabama.

24 (11) One member appointed by the Alabama Education  
25 Association.

26 (12) One member appointed by the Speaker of the  
27 House of Representatives.

1                   (13) One member appointed by the President Pro  
2 Tempore of the Senate.

3                   (b) The appointing authorities shall coordinate  
4 their appointments to assure the task force membership is  
5 inclusive and reflects the racial, gender, geographic, urban,  
6 rural, and economic diversity of the state.

7                   (c) The Department of Education Nurse Administrator,  
8 or his or her designee, shall serve as chair of the task  
9 force.

10                  (d) The first meeting of the task force shall be  
11 held not later than August 1, 2018, at which time the task  
12 force may appoint or elect a vice chair.

13                  (e) The task force shall automatically terminate on  
14 the date the rules for implementing the Palliative and End of  
15 Life Individual Health Plans are adopted.

16                  Section 3. This act shall become effective  
17 immediately following its passage and approval by the  
18 Governor, or its otherwise becoming law but only becomes  
19 operative upon the passage of ~~HB \_\_\_\_\_~~ HB194 of the 2018 Regular  
20 Session, relating to Orders for Pediatric Palliative and End  
21 of Life Care.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Health ..... 11-JAN-18

Read for the second time and placed  
on the calendar 1 amendment ..... 25-JAN-18

Read for the third time and passed  
as amended..... 27-FEB-18

Yeas 96, Nays 0, Abstains 0

Jeff Woodard  
Clerk