

1 HB76
2 208658-4
3 By Representatives Jackson and Wheeler
4 RFD: Health
5 First Read: 02-FEB-21
6 PFD: 11/30/2020

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ENROLLED, An Act,

Relating to public K-12 schools; to provide that a parent or guardian of a student with a seizure disorder may seek care for the student while the student is at school or is participating in a school sponsored activity by submitting a seizure management and treatment plan to the local board of education for inclusion in the individual health plan of the student; to provide for the administration of seizure disorder medication by unlicensed medication assistants; to provide requirements for the hiring of a nurse in every public K-12 school; and to require training relating to seizure disorders.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Chapter 30C is added to Title 16 of the Code of Alabama 1975, to read as follows:

§16-30C-1.

This chapter may be known and shall be cited as the Seizure Safe Schools Act.

§16-30C-2.

(a) Commencing with the 2022-2023 school year, the parent or guardian of a student who has a seizure disorder and is enrolled in and attending a public K-12 school may seek care for the student's seizures while the student is at school or is participating in a school sponsored activity by collaborating with school personnel and the applicable local

1 board of education to ensure a seizure management and
2 treatment plan is included in the student's individual health
3 plan. The seizure management and treatment plan shall be
4 submitted to and reviewed by the lead nurse employed by the
5 local board of education at all of the following times:

6 (1) Before or at the beginning of the school year.

7 (2) Upon enrollment of the student, if the student
8 enrolls in a school after the beginning of the school year.

9 (3) As soon as practicable following a diagnosis of
10 a seizure disorder for the student.

11 (b) A seizure management and treatment plan shall
12 include all of the following:

13 (1) A list of the health care services the student
14 may receive at school or while participating in a school
15 sponsored activity.

16 (2) A list of prescribed medications the student may
17 receive including the name and purpose of the medication, the
18 prescribed dosage, the route of administration, the frequency
19 that the medication may be administered, and the circumstances
20 under which the medication may be administered.

21 (3) An evaluation of the student's level of
22 understanding and ability to manage his or her seizures.

23 (4) The signature of the student's parent or
24 guardian.

1 (5) The name and address of the physician
2 responsible for the student's seizure treatment.

3 §16-30C-3.

4 With consent of the parent or guardian, a local
5 board of education may provide for an unlicensed medication
6 assistant, who is a school employee trained in accordance with
7 this chapter, but not required to be a health care
8 professional, to administer to a student seizure disorder
9 medication provided for in the student's individual health
10 plan.

11 §16-30C-4.

12 (a) The State Department of Education shall develop
13 guidelines, subject to approval by the Alabama Board of
14 Nursing, for the training of school employees regarding the
15 care needed for a student with medical needs relating to
16 seizure disorder according to the student's seizure management
17 and treatment plan, the medical authorizations of which are
18 limited to permitting the administration of medications
19 specific to his or her seizure disorder. These guidelines
20 shall be developed in conjunction with the recommendations of
21 the American Academy of Pediatrics, the Epilepsy Foundation or
22 its successor, and any other appropriate published medical
23 guidelines. Each local board of education shall ensure that
24 epilepsy and seizure disorder training programs are provided

1 for all school nurses and unlicensed medication assistants at
2 schools under its jurisdiction.

3 (b) Training programs may be provided in person or
4 online and shall include instruction for school nurses
5 regarding managing students with seizure disorders,
6 information about seizure recognition, and related first aid.
7 This information may be included in general student health
8 training programs provided to all school personnel. A local
9 board of education may approve an in person or online course
10 of instruction provided by a nonprofit national foundation
11 that supports the welfare of individuals with epilepsy and
12 seizure disorders. An in person or online course of
13 instruction approved by a local board of education shall be
14 provided by the nonprofit entity free of charge.

15 (c) (1) Each local board of education shall ensure
16 that the training outlined in this section is provided to
17 unlicensed medication assistants. In consultation with the
18 local school superintendent and in consideration of a
19 student's individual health plan related to his or her seizure
20 disorder condition, the lead nurse of the school system may
21 recommend the placement of a school nurse based on the overall
22 health needs of that student.

23 (2) Each local board of education shall provide
24 annually a list of the school employees trained to administer
25 seizure disorder medications to each parent or guardian of a

1 student with a seizure disorder, each student and all other
2 employees of the local board of education. The local board of
3 education shall thereafter publish and maintain a list on the
4 local board of education's website.

5 (d) A school employee ~~may~~ shall not be required to
6 serve as an unlicensed medication assistant, nor be subject to
7 any penalty or disciplinary action for refusing to serve as an
8 unlicensed medication assistant. It shall be unlawful to
9 consider a school employee's decision to serve or not to serve
10 as an unlicensed medication assistant in any employment
11 decision including, but not limited to, termination, non
12 renewal of contract, reduction in force, or transfer. No
13 school administrator or supervisor shall threaten, harass, or
14 otherwise coerce a school employee into serving as an
15 unlicensed medication assistant.

16 (e) The Alabama Board of Nursing shall retain the
17 sole authority to adopt rules to permit delegation of limited
18 nursing tasks by licensed nurses to trained, unlicensed
19 assistive personnel and to implement this act.

20 ~~(e)~~ (f) The medical authorization allowed under this
21 chapter shall be limited to permitting the use of medications
22 specific to seizure disorders.

23 Under no circumstance shall rectal or vaginal
24 suppositories be administered by anyone other than a licensed
25 nurse.

1 §16-30C-5.

2 (a) A school employee shall be immune from civil
3 liability or criminal liability as a result of his or her acts
4 or omissions in the supervision or rendering of services,
5 care, or assistance to a student pursuant to this chapter or
6 for any act, failure to act, or to provide or arrange for
7 further treatment, care, or assistance unless the school
8 employee acts willfully, maliciously, fraudulently, in bad
9 faith, beyond his or her authority, or under a mistaken
10 interpretation of the law.

11 (b) (1) This chapter does not create any supervisory
12 authority between physicians creating seizure management and
13 treatment plans and the school's execution of those plans. A
14 physician shall not be subject to criminal or civil liability
15 for the acts or omissions of school employees and officials in
16 carrying out a seizure management and treatment plan, and
17 shall also not be subject to vicarious liability.

18 (2) Nothing in this chapter shall be construed to
19 establish a standard of care for physicians or otherwise
20 modify, amend, or supersede any provision of the Alabama
21 Medical Liability Act of 1987, the Alabama Medical Liability
22 Act of 1996, or any amendment or judicial interpretation
23 thereof.

24 §16-30C-6.

1 Not later than March 1, 2022, the State Department
2 of Education and the State Board of Nursing shall adopt rules
3 to implement and administer this chapter.

4 Section 2. The State Board of Education shall ensure
5 that a registered nurse or a licensed practical nurse shall be
6 hired in every public K-12 school from funds appropriated for
7 that purpose.

8 Section 3. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 23-FEB-21, as amended.

Jeff Woodard
Clerk

Senate	06-MAY-21	Amended and Passed
House	17-MAY-21	Concurred in Senate Amendment