

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

8 SYNOPSIS: Under existing law, an adult or a health
9 care proxy for an adult may execute an advance
10 directive for health care or do not resuscitate
11 order.

12 This bill would create the Alex Hoover
13 Palliative and End of Life Care Act.

14 This bill would provide for Palliative and
15 End of Life Individual Health Plans to be created
16 by school nurses in conjunction with the parents or
17 guardians of a minor with a terminal illness.

18 This bill would provide immunity to
19 individuals, physicians, and school employees who
20 undertake to follow the directives of a Palliative
21 and End of Life Individual Health Plan.

22 This bill would require the State Board of
23 Education, in consultation with a task force, to
24 adopt rules for administering Palliative and End of
25 Life Individual Health Plans to be used in a school
26 setting.

This bill would also establish a temporary task force under the supervision of the Department of Education to make recommendations for rules for administering Palliative and End of Life Individual Health Plans to be used in a school setting.

A BILL

TO BE ENTITLED

AN ACT

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

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

7 §16-30B-1.

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

15 §16-30B-2.

16 As used in this chapter, the following terms have
17 the following meanings:

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

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

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

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

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

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

§16-30B-3.

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

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

(c) A plan shall include an Order for Pediatric Palliative and End of Life Care, established pursuant to Chapter 8A of Title 22; provided, however, the only individual

in a school setting subject to the requirements or restrictions of an Order for PPEL Care is a school nurse.

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

§16-30B-4.

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

§16-30B-5.

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

§16-30B-6.

(a) A task force is created to serve under the supervision of the Alabama Department of Education, to make recommendations to the State Board of Education for the adoption of rules regarding the administration of Palliative and End of Life Individual Health Plans in the school setting, in accordance with Section 16-30B-3. The task force shall include all of the following representatives:

(1) The Department of Education Nurse Administrator.

(2) The Department of Education Nurse Manager.

(3) One member appointed by the Special Education

Services Division of the Department of Education.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 3. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law but only becomes operative upon the passage of HB____ of the 2018 Regular Session, relating to Orders for Pediatric Palliative and End of Life Care.