

A8049 Hunter Same as S 4650 MANNION

Education Law

TITLE. ...Allows for unlicensed personnel to administer seizure rescue medication in schools

06/11/21 referred to education

01/05/22 referred to education

HUNTER

Amd §921, add §§902-c & 916-c, Ed L

Allows for unlicensed personnel to administer certain seizure rescue medication in schools, on school grounds and at school events; provides that such medicine may be left with a school health official to be used as needed.

STATE OF NEW YORK

8049

2021-2022 Regular Sessions

IN ASSEMBLY

June 11, 2021

Introduced by M. of A. HUNTER -- read once and referred to the Committee on Education

ANACT to amend the education law, in relation to allowing for unlicensed personnel to administer seizure rescue medication

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 921 of the education law, as added
2 by chapter 423 of the laws of 2014, is amended to read as follows:

3 1. The board of education or trustees of each school district and
4 board of cooperative educational services and nonpublic schools are
5 authorized, but not obligated to have licensed registered professional
6 nurses, nurse practitioners, physician assistants, and physicians train
7 unlicensed school personnel to inject prescribed glucagon or epinephrine
8 auto injectors, or administer diazepam or midazolam nasal spray in emer-
9 gency situations, where an appropriately licensed health professional is
10 not available, to pupils who have the written permission of a physician
11 or other duly authorized health care provider for the administration of
12 injectable glucagon [~~or~~], emergency epinephrine auto injector, or
13 diazepam or midazolam nasal spray, along with written parental consent,
14 during the school day on school property and at any school function as
15 such terms are defined, respectively, by subdivisions one and two of
16 section eleven of this chapter. Training must be provided by a physician
17 or other duly authorized licensed health care professional in a compe-
18 tent manner and must be completed in a form and manner prescribed by the
19 commissioner in regulation.

20 § 2. The education law is amended by adding two new sections 902-c and
21 916-c to read as follows:

22 § 902-c. Treatment of students diagnosed with epilepsy by school
23 personnel. 1. Licensed nurses, nurse practitioners, physician assist-
24 ants, or physicians employed by school districts or boards of cooper-
25 ative educational services shall be authorized to administer prescribed

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD08658-01-1

1 diazepam or midazolam nasal spray, to teach an unlicensed person to
2 administer a diazepam or midazolam nasal spray to an individual, and to
3 perform other authorized services pursuant to the scope of practice of
4 the licensed individual under title eight of this chapter, to pupils who
5 have received written permission by a physician or other licensed health
6 care provider and written parental consent to carry and use a diazepam
7 or midazolam nasal spray pursuant to section nine hundred sixteen-c of
8 this article during the school day on school property and at any school
9 function. Nothing in this section shall authorize unlicensed persons to
10 perform these services except as otherwise permitted by section nine
11 hundred twenty-one of this article.

12 2. A school district, board of cooperative educational services and/or
13 their agents or employees shall incur no legal or financial liability as
14 a result of any harm or injury sustained by a pupil or other person
15 caused by reasonable and good faith compliance with this section.

16 § 916-c. Pupils with epilepsy. 1. The board of education or trustees
17 of each school district and board of cooperative educational services
18 shall allow pupils who have been diagnosed by a physician or other duly
19 authorized health care provider with epilepsy to carry and use a
20 prescribed nasal spray for the emergency treatment of seizures during
21 the school day on school property and at any school function with the
22 written permission of a physician or other duly authorized health care
23 provider, and written parental consent. The written permission shall
24 include an attestation by such physician or health care provider
25 confirming: (a) the pupil's diagnosis of epilepsy for which a diazepam
26 or midazolam nasal spray is needed; and (b) that the pupil has demon-
27 strated that he or she can self-administer the prescribed diazepam or
28 midazolam nasal spray effectively. Such written permission shall also
29 include the circumstances which may warrant the use of a diazepam or
30 midazolam nasal spray. A record of such consent and permission shall be
31 maintained in the student's cumulative health record. In addition, upon
32 the written request of a parent or person in parental relation, the
33 board of education or trustees of a school district and board of coop-
34 erative educational services shall allow such pupils to maintain an
35 extra diazepam or midazolam nasal spray for the emergency treatment of
36 seizures in the care and custody of a licensed nurse, nurse practition-
37 er, physician assistant, or physician employed by such district or board
38 of cooperative educational services, and shall be readily accessible to
39 such pupil. Nothing in this section shall require a school district or
40 board of cooperative educational services to retain a licensed nurse,
41 nurse practitioner, physician assistant, or physician solely for the
42 purpose of taking custody of a spare diazepam or midazolam nasal spray
43 for the emergency treatment of seizures, or require that a licensed
44 nurse, nurse practitioner, physician assistant, or physician be avail-
45 able at all times in a school building for taking custody of the diazep-
46 am or midazolam nasal spray. In addition, the diazepam or midazolam
47 nasal spray provided by the pupil's parents or persons in parental
48 relation will be made available to the pupil as needed in accordance
49 with the school district's or board of cooperative educational services'
50 policy and the orders prescribed in the written permission of the physi-
51 cian or other authorized health care provider.

52 2. A school district, board of cooperative educational services and/or
53 their agents or employees shall incur no legal or financial liability as
54 a result of any harm or injury sustained by a pupil or other person
55 caused by reasonable and good faith compliance with this section.

56 § 3. This act shall take effect immediately.

**NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)**

BILL NUMBER: A8049

SPONSOR: Hunter

TITLE OF BILL:

An act to amend the education law, in relation to allowing for unlicensed personnel to administer seizure rescue medication

PURPOSE OR GENERAL IDEA OF BILL:

Authorizes school districts to have licensed professionals administer seizure rescue nasal sprays, licensed individuals to teach unlicensed individuals how to administer such rescue nasal spray and authorize students to carry such medication in schools.

SUMMARY OF PROVISIONS:

Section 1. Amends Section 921 of the education law to include diazepam or midazolam nasal spray as a medication in which licensed medical professionals may-administer at schools in rescue situations

Section 2. Creates two new sections in the education law
902-c. Allowing for licensed medical professionals to optionally teach a unlicensed person how to administer diazepam or midazolam nasal spray for a student having a seizure. Provides liability protection for a school district, BOCES, their agents or employees for good faith compliance with this section

916-c. Allows for students who have been diagnosed with epilepsy to carry seizure rescue medication with parental consent. This section does not require a school district to carry or provide seizure rescue medication or require the hiring of a licensed medical professional and provides liability protection.

Section 3. Effective Date.

JUSTIFICATION:

According to the NYS Department of Health, it is estimated that 180,000 New Yorkers have epilepsy and roughly 1 in 10 diagnosed individuals will have a seizure in their lifetime. An individual prone to seizures has no control over when and where such seizures will occur. As students are under the care of a school district for several hours a day whether in the classroom, on school grounds for extracurricular activities or on the school bus. Under this legislation, school districts who have an enrolled student with epilepsy would be allowed to train their staff with the skills to administer life saving medication to a student.

Various medications are available to treat individuals having a severe seizure, however nasal sprays are easiest for unlicensed individuals to

administer in an emergency situation. The Epilepsy Foundation and their local affiliates offer training classes for school personnel, but that is no substitute for being able to use a life saving medication. This legislation will enable schools to help a student in an emergency, give parents the peace of mind that their child will be taken care of during school hours, and provide liability protection to school districts making a good faith effort to help their students.

LEGISLATIVE HISTORY:

New Bill

FISCAL IMPLICATIONS FOR STATE AND LOCAL GOVERNMENTS:

To be determined.

EFFECTIVE DATE:

Immediately