

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

1 or is participating in a school sponsored activity by
2 collaborating with school personnel and the applicable local
3 board of education to ensure a seizure management and
4 treatment plan is included in the student's individual health
5 plan. The seizure management and treatment plan shall be
6 submitted to and reviewed by the lead nurse employed by the
7 local board of education at all of the following times:

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

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

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

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

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

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

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

25 (4) The signature of the student's parent or
26 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
25 for all school nurses and unlicensed medication assistants at
26 schools under its jurisdiction.

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

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

21 (d) A school employee ~~may~~ shall not be required to
22 serve as an unlicensed medication assistant, nor be subject to
23 any penalty or disciplinary action for refusing to serve as an
24 unlicensed medication assistant. It shall be unlawful to
25 consider a school employee's decision to serve or not to serve
26 as an unlicensed medication assistant in any employment
27 decision including, but not limited to, termination, non

1 renewal of contract, reduction in force, or transfer. No
2 school administrator or supervisor shall threaten, harass, or
3 otherwise coerce a school employee into serving as an
4 unlicensed medication assistant.

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

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

12 Under no circumstance shall rectal or vaginal
13 suppositories be administered by anyone other than a licensed
14 nurse.

15 §16-30C-5.

16 (a) A school employee shall be immune from civil
17 liability or criminal liability as a result of his or her acts
18 or omissions in the supervision or rendering of services,
19 care, or assistance to a student pursuant to this chapter or
20 for any act, failure to act, or to provide or arrange for
21 further treatment, care, or assistance unless the school
22 employee acts willfully, maliciously, fraudulently, in bad
23 faith, beyond his or her authority, or under a mistaken
24 interpretation of the law.

25 (b) (1) This chapter does not create any supervisory
26 authority between physicians creating seizure management and
27 treatment plans and the school's execution of those plans. A

1 physician shall not be subject to criminal or civil liability
2 for the acts or omissions of school employees and officials in
3 carrying out a seizure management and treatment plan, and
4 shall also not be subject to vicarious liability.

5 (2) Nothing in this chapter shall be construed to
6 establish a standard of care for physicians or otherwise
7 modify, amend, or supersede any provision of the Alabama
8 Medical Liability Act of 1987, the Alabama Medical Liability
9 Act of 1996, or any amendment or judicial interpretation
10 thereof.

11 §16-30C-6.

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

15 Section 2. This act shall become effective on the
16 first day of the third month following its passage and
17 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Health 02-FEB-21

Read for the second time and placed
on the calendar 1 amendment 10-FEB-21

Read for the third time and passed
as amended..... 23-FEB-21

Yeas 102, Nays 0, Abstains 0

Jeff Woodard
Clerk