

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

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8 SYNOPSIS: This bill would provide that a parent or
9 guardian of a student with a seizure disorder may
10 seek care for the student while the student is at
11 school or is participating in a school sponsored
12 activity by submitting a seizure management and
13 treatment plan to the local board of education for
14 inclusion in the individual health plan of the
15 student.

16 This bill would also provide for the
17 administration of seizure disorder medication by
18 unlicensed medication assistants and require
19 training relating to seizure disorders.
20

21 A BILL
22 TO BE ENTITLED
23 AN ACT
24

25 Relating to public K-12 schools; to provide that a
26 parent or guardian of a student with a seizure disorder may
27 seek care for the student while the student is at school or is

1 participating in a school sponsored activity by submitting a
2 seizure management and treatment plan to the local board of
3 education for inclusion in the individual health plan of the
4 student; to provide for the administration of seizure disorder
5 medication by unlicensed medication assistants; and to require
6 training relating to seizure disorders.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

10 §16-30C-1.

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

13 §16-30C-2.

14 (a) Commencing with the 2022-2023 school year, the
15 parent or guardian of a student who has a seizure disorder and
16 is enrolled in and attending a public K-12 school may seek
17 care for the student's seizures while the student is at school
18 or is participating in a school sponsored activity by
19 collaborating with school personnel and the applicable local
20 board of education to ensure a seizure management and
21 treatment plan is included in the student's individual health
22 plan. The seizure management and treatment plan shall be
23 submitted to and reviewed by the local board of education at
24 all of the following times:

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

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

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

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

5 (1) A list of the health care services the student
6 may receive at school or while participating in a school
7 sponsored activity.

8 (2) A list of prescribed medications the student may
9 receive including the name and purpose of the medication, the
10 prescribed dosage, the route of administration, the frequency
11 that the medication may be administered, and the circumstances
12 under which the medication may be administered.

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

15 (4) The signature of the student's parent or
16 guardian.

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

19 §16-30C-3.

20 With consent of the parent or guardian, a local
21 board of education may provide for an unlicensed medication
22 assistant, who is a school employee trained in accordance with
23 this chapter, but not required to be a health care
24 professional, to administer to a student seizure disorder
25 medication provided for in the student's individual health
26 plan.

27 §16-30C-4.

1 (a) The State Department of Education shall develop
2 guidelines, subject to approval by the Alabama Board of
3 Nursing, for the training of school employees regarding the
4 care needed for a student with medical needs relating to
5 seizure disorder according to the student's seizure management
6 and treatment plan, the medical authorizations of which are
7 limited to permitting the administration of medications
8 specific to his or her seizure disorder. These guidelines
9 shall be developed in conjunction with the recommendations of
10 the American Academy of Pediatrics, the Epilepsy Foundation or
11 its successor, and any other appropriate published medical
12 guidelines. Each local board of education shall ensure that
13 epilepsy and seizure disorder training programs are provided
14 for all school nurses and unlicensed medication assistants at
15 schools under its jurisdiction.

16 (b) Training programs may be provided in person or
17 online and shall include instruction for school nurses
18 regarding managing students with seizure disorders,
19 information about seizure recognition, and related first aid.
20 This information may be included in general student health
21 training programs provided to all school personnel. A local
22 board of education may approve an in person or online course
23 of instruction provided by a nonprofit national foundation
24 that supports the welfare of individuals with epilepsy and
25 seizure disorders. An in person or online course of
26 instruction approved by a local board of education shall be
27 provided by the nonprofit entity free of charge.

1 (c) Each local board of education shall ensure that
2 the training outlined in this section is provided to
3 unlicensed medication assistants. In consultation with the
4 local school superintendent and in consideration of a
5 student's individual health plan related to his or her seizure
6 disorder condition, the lead nurse of the school system may
7 recommend the placement of a school nurse based on the overall
8 health needs of that student.

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

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

23 §16-30C-5.

24 (a) A school employee shall be immune from civil
25 liability or criminal liability as a result of his or her acts
26 or omissions in the supervision or rendering of services,
27 care, or assistance to a student pursuant to this chapter or

1 for any act, failure to act, or to provide or arrange for
2 further treatment, care, or assistance unless the school
3 employee acts willfully, maliciously, fraudulently, in bad
4 faith, beyond his or her authority, or under a mistaken
5 interpretation of the law.

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

13 (2) Nothing in this chapter shall be construed to
14 establish a standard of care for physicians or otherwise
15 modify, amend, or supersede any provision of the Alabama
16 Medical Liability Act of 1987, the Alabama Medical Liability
17 Act of 1996, or any amendment or judicial interpretation
18 thereof.

19 §16-30C-6.

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

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