

HOUSE BILL 384

F1

2lr0933

By: **Delegate Boyce**

Introduced and read first time: January 19, 2022

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Public and Nonpublic Schools – Bronchodilator Availability and Use – Policy**

3 FOR the purpose of requiring each county board of education and authorizing nonpublic
4 schools in the State to establish a policy to obtain, administer, and train certain
5 school nurses and other school personnel to administer in emergency situations
6 bronchodilators to a student who is determined to have asthma and is experiencing
7 asthma-related symptoms or is perceived to be in respiratory distress by a school
8 nurse or any other school personnel; and generally relating to a bronchodilator
9 availability and use policy in public and nonpublic schools in the State.

10 BY adding to

11 Article – Education

12 Section 7–426.6 and 7–426.7

13 Annotated Code of Maryland

14 (2018 Replacement Volume and 2021 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
16 That the Laws of Maryland read as follows:

17 **Article – Education**

18 **7–426.6.**

19 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
20 INDICATED.

21 (2) “ASTHMA” MEANS A CHRONIC LUNG DISEASE THAT INFLAMES
22 AND NARROWS AIR PASSAGES, CAUSING RECURRING PERIODS OF WHEEZING, CHEST
23 TIGHTNESS, SHORTNESS OF BREATH, AND COUGHING.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(3) "BRONCHODILATOR" MEANS MEDICATION THAT RELAXES BRONCHIAL MUSCLES, RESULTING IN THE EXPANSION OF BRONCHIAL AIR PASSAGES TO PROVIDE FAST TREATMENT OF ASTHMA-RELATED SYMPTOMS AND SYMPTOMS OF RESPIRATORY DISTRESS.

(4) "SCHOOL PERSONNEL" MEANS INDIVIDUALS WHO ARE EMPLOYED BY A PUBLIC SCHOOL, INCLUDING PART-TIME EMPLOYEES, TEACHERS AND SUBSTITUTE TEACHERS EMPLOYED BY THE SCHOOL FOR AT LEAST 7 DAYS EACH SCHOOL YEAR, REGISTERED NURSE CASE MANAGERS, DELEGATING NURSES, AND ADMINISTRATIVE STAFF.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH COUNTY BOARD SHALL ESTABLISH A POLICY FOR PUBLIC SCHOOLS WITHIN ITS JURISDICTION TO AUTHORIZE THE SCHOOL NURSE AND OTHER SCHOOL PERSONNEL TO ADMINISTER A BRONCHODILATOR, IF AVAILABLE, TO A STUDENT WHO IS DETERMINED TO HAVE ASTHMA, IS EXPERIENCING ASTHMA-RELATED SYMPTOMS, OR IS PERCEIVED TO BE IN RESPIRATORY DISTRESS, REGARDLESS OF WHETHER THE STUDENT:

(I) HAS BEEN DIAGNOSED WITH ASTHMA OR REACTIVE AIRWAY DISEASE; OR

(II) HAS A PRESCRIPTION FOR A BRONCHODILATOR AS PRESCRIBED BY AN AUTHORIZED LICENSED HEALTH CARE PRACTITIONER UNDER THE HEALTH OCCUPATIONS ARTICLE.

(2) A SCHOOL NURSE OR ANY OTHER SCHOOL PERSONNEL MAY NOT ADMINISTER A BRONCHODILATOR TO A PREKINDERGARTEN STUDENT UNLESS THE STUDENT HAS BEEN DIAGNOSED WITH ASTHMA OR A REACTIVE AIRWAY DISEASE AND HAS A PRESCRIPTION FOR A BRONCHODILATOR AS PRESCRIBED BY THE STUDENT'S HEALTH CARE PRACTITIONER.

(C) THE POLICY ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE:

(1) TRAINING FOR SCHOOL NURSES AND OTHER SCHOOL PERSONNEL ON HOW TO RECOGNIZE THE SIGNS AND SYMPTOMS OF ASTHMA AND RESPIRATORY DISTRESS;

(2) PROCEDURES FOR THE EMERGENCY ADMINISTRATION OF A BRONCHODILATOR;

(3) THE PROPER FOLLOW-UP EMERGENCY PROCEDURES;

(4) A PROVISION AUTHORIZING A SCHOOL NURSE TO OBTAIN AND STORE AT A PUBLIC SCHOOL BRONCHODILATORS AND MODES OF DELIVERY, INCLUDING INHALERS WITH SPACERS, TO BE USED IN AN EMERGENCY SITUATION; AND

(5) A REQUIREMENT THAT EACH PUBLIC SCHOOL DEVELOP AND IMPLEMENT A METHOD FOR NOTIFYING THE PARENTS OR GUARDIANS OF STUDENTS OF THE SCHOOL'S POLICY UNDER THIS SECTION AT THE BEGINNING OF EACH SCHOOL YEAR.

(D) (1) AN AUTHORIZED LICENSED HEALTH CARE PRACTITIONER MAY PROVIDE BRONCHODILATORS TO A SCHOOL NURSE OR ANY OTHER SCHOOL PERSONNEL FOR USE IN ACCORDANCE WITH THIS SECTION.

(2) BRONCHODILATORS AND MODES OF DELIVERY, INCLUDING INHALERS WITH SPACERS, USED BY A SCHOOL NURSE OR ANY OTHER SCHOOL PERSONNEL MUST BE FROM A LICENSED PHARMACY OR MANUFACTURER.

(3) A COUNTY BOARD OR PUBLIC SCHOOL MAY ACCEPT DONATED BRONCHODILATORS AND MODES OF DELIVERY, INCLUDING INHALERS WITH SPACERS, FROM A LICENSED PHARMACY OR MANUFACTURER.

(4) A COUNTY BOARD MAY APPLY FOR GRANTS TO OBTAIN FUNDING FOR THE PURCHASE OF BRONCHODILATORS AND MODES OF DELIVERY, INCLUDING INHALERS WITH SPACERS.

(E) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, A SCHOOL NURSE OR ANY OTHER SCHOOL PERSONNEL WHO RESPOND IN GOOD FAITH TO THE ASTHMA ATTACK OR RESPIRATORY DISTRESS OF A CHILD IN ACCORDANCE WITH THIS SECTION MAY NOT BE HELD PERSONALLY LIABLE FOR ANY ACT OR OMISSION IN THE COURSE OF RESPONDING TO THE CHILD IN DISTRESS.

(F) (1) (I) FOR EACH INCIDENT AT THE SCHOOL OR AT A RELATED SCHOOL EVENT THAT REQUIRED THE USE OF A BRONCHODILATOR, EACH PUBLIC SCHOOL SHALL:

1. NOTIFY THE STUDENT'S PARENT OR LEGAL GUARDIAN OF THE INCIDENT; AND

2. MAKE A RECORD OF THE INCIDENT, ON THE FORM THAT THE DEPARTMENT REQUIRES, AND FILE THE FORM IN THE STUDENT'S SCHOOL MEDICAL RECORD.

(II) EACH PUBLIC SCHOOL SHALL SUBMIT TO THE DEPARTMENT A REPORT, ON THE FORM AND SCHEDULE REQUIRED BY THE DEPARTMENT, ON THE NUMBER OF INCIDENTS AT THE SCHOOL OR AT A RELATED SCHOOL EVENT THAT REQUIRED THE USE OF A BRONCHODILATOR.

(2) THE DEPARTMENT SHALL DEVELOP AND DISSEMINATE STANDARD FORMS TO RECORD EACH INCIDENT AND REPORT INCIDENTS REQUIRING THE USE OF A BRONCHODILATOR AT A PUBLIC SCHOOL.

7-426.7.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "ASTHMA" MEANS A CHRONIC LUNG DISEASE THAT INFLAMES AND NARROWS AIR PASSAGES, CAUSING RECURRING PERIODS OF WHEEZING, CHEST TIGHTNESS, SHORTNESS OF BREATH, AND COUGHING.

(3) "BRONCHODILATOR" MEANS MEDICATION THAT RELAXES BRONCHIAL MUSCLES, RESULTING IN THE EXPANSION OF BRONCHIAL AIR PASSAGES TO PROVIDE FAST TREATMENT OF ASTHMA-RELATED SYMPTOMS AND SYMPTOMS OF RESPIRATORY DISTRESS.

(4) "SCHOOL PERSONNEL" MEANS INDIVIDUALS WHO ARE EMPLOYED BY A NONPUBLIC SCHOOL, INCLUDING PART-TIME EMPLOYEES, TEACHERS AND SUBSTITUTE TEACHERS EMPLOYED BY THE SCHOOL FOR AT LEAST 7 DAYS EACH SCHOOL YEAR, REGISTERED NURSE CASE MANAGERS, DELEGATING NURSES, AND ADMINISTRATIVE STAFF.

(B) (1) EACH NONPUBLIC SCHOOL IN THE STATE MAY ESTABLISH A POLICY AUTHORIZING THE SCHOOL NURSE AND OTHER SCHOOL PERSONNEL TO ADMINISTER, EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A BRONCHODILATOR, IF AVAILABLE, TO A STUDENT WHO IS DETERMINED TO HAVE ASTHMA, IS EXPERIENCING ASTHMA-RELATED SYMPTOMS, OR IS PERCEIVED TO BE IN RESPIRATORY DISTRESS, REGARDLESS OF WHETHER THE STUDENT:

(I) HAS BEEN DIAGNOSED WITH ASTHMA OR REACTIVE AIRWAY DISEASE; OR

(II) HAS A PRESCRIPTION FOR A BRONCHODILATOR AS PRESCRIBED BY AN AUTHORIZED LICENSED HEALTH CARE PRACTITIONER UNDER THE HEALTH OCCUPATIONS ARTICLE.

1 **(2) A SCHOOL NURSE OR ANY OTHER SCHOOL PERSONNEL MAY NOT**
2 **ADMINISTER A BRONCHODILATOR TO A PREKINDERGARTEN STUDENT UNLESS THE**
3 **STUDENT HAS BEEN DIAGNOSED WITH ASTHMA OR A REACTIVE AIRWAY DISEASE**
4 **AND HAS A PRESCRIPTION FOR A BRONCHODILATOR AS PRESCRIBED BY THE**
5 **STUDENT'S HEALTH CARE PRACTITIONER.**

6 **(C) THE POLICY ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION**
7 **SHALL INCLUDE:**

8 **(1) TRAINING FOR SCHOOL NURSES AND OTHER SCHOOL PERSONNEL**
9 **ON HOW TO RECOGNIZE THE SIGNS AND SYMPTOMS OF ASTHMA AND RESPIRATORY**
10 **DISTRESS BY A LICENSED HEALTH CARE PRACTITIONER WHO IS AUTHORIZED TO**
11 **ADMINISTER A BRONCHODILATOR AND WHO HAS BEEN TRAINED IN AN ESTABLISHED**
12 **PROTOCOL ON HOW TO RECOGNIZE THE SIGNS AND SYMPTOMS OF ASTHMA AND**
13 **RESPIRATORY DISTRESS;**

14 **(2) PROCEDURES FOR THE EMERGENCY ADMINISTRATION OF A**
15 **BRONCHODILATOR;**

16 **(3) THE PROPER FOLLOW-UP EMERGENCY PROCEDURES;**

17 **(4) A PROVISION AUTHORIZING A SCHOOL NURSE OR ANY OTHER**
18 **LICENSED HEALTH CARE PRACTITIONER TO OBTAIN, AND A SCHOOL NURSE OR ANY**
19 **OTHER SCHOOL PERSONNEL TO STORE, AT A NONPUBLIC SCHOOL FOR USE IN AN**
20 **EMERGENCY SITUATION BRONCHODILATORS AND MODES OF DELIVERY, INCLUDING**
21 **INHALERS WITH SPACERS;**

22 **(5) A REQUIREMENT THAT THE NONPUBLIC SCHOOL DEVELOP AND**
23 **IMPLEMENT A METHOD FOR NOTIFYING THE PARENTS OR GUARDIANS OF STUDENTS**
24 **OF THE SCHOOL'S POLICY UNDER THIS SECTION AT THE BEGINNING OF EACH**
25 **SCHOOL YEAR; AND**

26 **(6) AN ONGOING PROCESS FOR OVERSIGHT AND MONITORING BY A**
27 **LICENSED HEALTH CARE PRACTITIONER OF THE IMPLEMENTATION OF THE POLICY**
28 **ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION.**

29 **(D) (1) AN AUTHORIZED LICENSED HEALTH CARE PRACTITIONER MAY**
30 **PROVIDE BRONCHODILATORS TO A SCHOOL NURSE OR ANY OTHER SCHOOL**
31 **PERSONNEL FOR USE IN ACCORDANCE WITH THIS SECTION.**

1 **(2) BRONCHODILATORS AND MODES OF DELIVERY, INCLUDING**
2 **INHALERS WITH SPACERS, USED BY A SCHOOL NURSE OR ANY OTHER SCHOOL**
3 **PERSONNEL MUST BE FROM A LICENSED PHARMACY OR MANUFACTURER.**

4 **(3) A NONPUBLIC SCHOOL MAY ACCEPT DONATED**
5 **BRONCHODILATORS AND MODES OF DELIVERY, INCLUDING INHALERS WITH**
6 **SPACERS, FROM A LICENSED PHARMACY OR MANUFACTURER.**

7 **(4) A NONPUBLIC SCHOOL MAY APPLY FOR GRANTS TO OBTAIN**
8 **FUNDING FOR THE PURCHASE OF BRONCHODILATORS AND MODES OF DELIVERY,**
9 **INCLUDING INHALERS WITH SPACERS.**

10 **(E) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, A SCHOOL**
11 **NURSE OR ANY OTHER SCHOOL PERSONNEL WHO RESPOND IN GOOD FAITH TO THE**
12 **ASTHMA ATTACK OR RESPIRATORY DISTRESS OF A CHILD IN ACCORDANCE WITH**
13 **THIS SECTION MAY NOT BE HELD PERSONALLY LIABLE FOR ANY ACT OR OMISSION**
14 **IN THE COURSE OF RESPONDING TO THE CHILD IN DISTRESS.**

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
16 1, 2022.