

STUDENT HEALTH AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rosemary T. Lesser

Senate Sponsor: Jen Plumb

LONG TITLE

General Description:

This bill allows employees of a local education agency to volunteer to administer certain adrenal insufficiency medication within a public school.

Highlighted Provisions:

This bill:

- defines terms;
- allows employees of a local education agency to volunteer to administer certain adrenal insufficiency medication within a public school under certain circumstances;
- requires the Department of Health and Human Services, with input from the State Board of Education and a children's hospital, to develop a certain training program in the administration of adrenal insufficiency medication;
- enacts provisions regarding the authorization and administration of adrenal insufficiency medication;
- provides protections for the training of volunteers and emergency administration of adrenal insufficiency medication within a public school; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53G-9-502, as last amended by Laws of Utah 2023, Chapter 328

53G-9-505, as last amended by Laws of Utah 2019, Chapters 293, 349

ENACTS:

53G-9-507, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 53G-9-502 is amended to read:

**53G-9-502 . Administration of medication to students -- Prerequisites --
Immunity from liability -- Applicability.**

- (1) A public or private school that holds any classes in grades kindergarten through 12 may provide for the administration of medication to any student during periods when the student is under the control of the school, subject to the following conditions:
- (a) the local school board, charter school governing board, or the private equivalent, after consultation with the Department of Health and Human Services and school nurses shall adopt policies that provide for:
 - (i) the designation of volunteer employees who may administer medication;
 - (ii) proper identification and safekeeping of medication;
 - (iii) the training of designated volunteer employees by the school nurse;
 - (iv) maintenance of records of administration; and
 - (v) notification to the school nurse of medication that will be administered to students; and
 - (b) medication may only be administered to a student if:
 - (i) the student's parent has provided a current written and signed request that medication be administered during regular school hours to the student; and
 - (ii) the student's licensed health care provider has prescribed the medication and provides documentation as to the method, amount, and time schedule for administration, and a statement that administration of medication by school employees during periods when the student is under the control of the school is medically necessary.
- (2) Authorization for administration of medication by school personnel may be withdrawn by the school at any time following actual notice to the student's parent.
- (3) School personnel who provide assistance under Subsection (1) in substantial compliance with the licensed health care provider's written prescription and the employers of these school personnel are not liable, civilly or criminally, for:
- (a) any adverse reaction suffered by the student as a result of taking the medication; and
 - (b) discontinuing the administration of the medication under Subsection (2).

(4) Subsections (1) through (3) do not apply to:

- (a) the administration of glucagon in accordance with Section 53G-9-504;
- (b) the administration of a seizure rescue medication in accordance with Section 53G-9-505; [or]
- (c) the administration of an opiate antagonist in accordance with Title 26B, Chapter 4, Part 5, Treatment Access[:]; or
- (d) the administration of an adrenal insufficiency medication in accordance with Section 53G-9-507.

Section 2. Section **53G-9-505** is amended to read:

53G-9-505 . Trained school employee volunteers -- Administration of seizure rescue medication -- Exemptions from liability.

(1) As used in this section:

(a) "Prescribing health care professional" means:

- (i) a physician and surgeon licensed under Title 58, Chapter 67, Utah Medical Practice Act;
- (ii) an osteopathic physician and surgeon licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
- (iii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act; or
- (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act.

(b) "Seizure rescue authorization" means a student's [~~Section 504 accommodation~~] individualized healthcare plan that:

(i) certifies that:

- (A) a prescribing health care professional has prescribed a seizure rescue medication for the student;
- (B) the student's parent has previously administered the student's seizure rescue medication in a nonmedically-supervised setting without a complication; and
- (C) the student has previously ceased having full body prolonged or convulsive seizure activity as a result of receiving the seizure rescue medication;

(ii) describes the specific seizure rescue medication authorized for the student, including the indicated dose, and instructions for administration;

(iii) requests that the student's public school identify and train school employees who are willing to volunteer to receive training to administer a seizure rescue

- 111 medication in accordance with this section; and
- 112 (iv) authorizes a trained school employee volunteer to administer a seizure rescue
- 113 medication in accordance with this section.
- 114 (c) (i) "Seizure rescue medication" means a medication, prescribed by a prescribing
- 115 health care professional, to be administered as described in a student's seizure
- 116 rescue authorization, while the student experiences seizure activity.
- 117 (ii) A seizure rescue medication does not include a medication administered
- 118 intravenously or intramuscularly.
- 119 (d) "Trained school employee volunteer" means an individual who:
- 120 (i) is an employee of a public school where at least one student has a seizure rescue
- 121 authorization;
- 122 (ii) is at least 18 years old; and
- 123 (iii) as described in this section:
- 124 (A) volunteers to receive training in the administration of a seizure rescue
- 125 medication;
- 126 (B) completes a training program described in this section;
- 127 (C) demonstrates competency on an assessment; and
- 128 (D) completes annual refresher training each year that the individual intends to
- 129 remain a trained school employee volunteer.
- 130 (2) (a) The Department of Health and Human Services shall, with input from the state
- 131 board and a children's hospital, develop a training program for trained school
- 132 employee volunteers in the administration of seizure rescue medications that includes:
- 133 (i) techniques to recognize symptoms that warrant the administration of a seizure
- 134 rescue medication;
- 135 (ii) standards and procedures for the storage of a seizure rescue medication;
- 136 (iii) procedures, in addition to administering a seizure rescue medication, in the event
- 137 that a student requires administration of the seizure rescue medication, including:
- 138 (A) calling 911; and
- 139 (B) contacting the student's parent;
- 140 (iv) an assessment to determine if an individual is competent to administer a seizure
- 141 rescue medication;
- 142 (v) an annual refresher training component; and
- 143 (vi) written materials describing the information required under this Subsection (2)(a).
- 144 (b) A public school shall retain for reference the written materials described in

Subsection (2)(a)(vi).

(c) The following individuals may provide the training described in Subsection (2)(a):

(i) a school nurse; or

(ii) a licensed health care professional.

(3) (a) A public school shall, after receiving a seizure rescue authorization:

(i) inform school employees of the opportunity to be a school employee volunteer;

and

(ii) subject to Subsection (3)(b)(ii), provide training, to each school employee who volunteers, using the training program described in Subsection (2)(a).

(b) A public school may not:

(i) obstruct the identification or training of a trained school employee volunteer; or

(ii) compel a school employee to become a trained school employee volunteer.

(4) A trained school employee volunteer may possess or store a prescribed rescue seizure medication, in accordance with this section.

(5) A trained school employee volunteer may administer a seizure rescue medication to a student with a seizure rescue authorization if:

(a) the student is exhibiting a symptom, described on the student's seizure rescue authorization, that warrants the administration of a seizure rescue medication; and

(b) a licensed health care professional is not immediately available to administer the seizure rescue medication.

(6) A trained school employee volunteer who administers a seizure rescue medication shall direct an individual to call 911 and take other appropriate actions in accordance with the training described in Subsection (2).

(7) A trained school employee volunteer who administers a seizure rescue medication in accordance with this section in good faith is not liable in a civil or criminal action for an act taken or not taken under this section.

(8) Section 53G-9-502 does not apply to the administration of a seizure rescue medication.

(9) Section 53G-8-205 does not apply to the possession of a seizure rescue medication in accordance with this section.

(10) (a) The unlawful or unprofessional conduct provisions of Title 58, Occupations and Professions, do not apply to a person licensed as a health care professional under Title 58, Occupations and Professions, including a nurse, physician, physician assistant, or pharmacist for, in good faith, training a nonlicensed school employee who volunteers to administer a seizure rescue medication in accordance with this

section.

- (b) Allowing a trained school employee volunteer to administer a seizure rescue medication in accordance with this section does not constitute unlawful or inappropriate delegation under Title 58, Occupations and Professions.

Section 3. Section 53G-9-507 is enacted to read:

53G-9-507 . Administration of adrenal insufficiency medication -- Training of school personnel -- Authority to use adrenal insufficiency medication -- Immunity from liability.

(1) As used in this section:

- (a) "Adrenal crisis" means a sudden, severe worsening of symptoms associated with adrenal insufficiency, including vomiting, diarrhea, dehydration, low blood pressure, or loss of consciousness, or severe pain in the lower back, abdomen or legs.
- (b) "Adrenal crisis rescue authorization" means a student's individualized healthcare plan that:
- (i) certifies that a prescribing health care professional has prescribed an adrenal crisis rescue medication for the student;
 - (ii) describes the specific adrenal crisis rescue medication authorized for the student, including the indicated dose, and instructions for administration;
 - (iii) requests that the student's public school identify and train school employees who are willing to volunteer to receive training to administer an adrenal crisis rescue medication in accordance with this section; and
 - (iv) authorizes a trained school employee volunteer to administer an adrenal crisis rescue medication in accordance with this section.
- (c) "Adrenal crisis rescue medication" means a medication that a prescribing health care professional prescribes for administration to a student during an adrenal crisis activity as described in a student's adrenal crisis rescue authorization.
- (d) "Adrenal insufficiency" means an endocrine disorder that occurs when the adrenal glands do not adequately produce adrenal hormones.
- (e) "Prescribing health care professional" means:
- (i) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;
 - (ii) an osteopathic physician licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
 - (iii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act; or

(iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act.

(f) "Trained school employee volunteer" means an individual who:

(i) is an employee of an LEA in which at least one student is enrolled who has an adrenal crisis rescue authorization;

(ii) is at least 18 years old; and

(iii) as described in this section:

(A) volunteers to receive training in the administration of an adrenal crisis medication;

(B) completes a training program described in this section;

(C) demonstrates competency to administer an adrenal crisis rescue medication through an assessment; and

(D) completes annual training during each year in which the individual intends to act as a trained school employee volunteer.

(2) (a) The Department of Health and Human Services shall, with input from the state board and a children's hospital, develop a training program for trained school employee volunteers in the administration of adrenal crisis rescue medication.

(b) A public school shall retain for reference the written materials created for the training program described in Subsection (2)(a).

(3) (a) A public school shall, after receiving an adrenal crisis rescue authorization:

(i) inform school employees of the opportunity to be a school employee volunteer; and

(ii) subject to Subsection (3)(b)(ii), provide training to each school employee who volunteers, using the training described in Subsection (2)(a).

(b) A public school may not:

(i) obstruct the identification or training of a trained school employee volunteer; or

(ii) compel a school employee to become a trained school employee volunteer.

(4) A trained school employee volunteer may:

(a) possess or store a prescribed adrenal crisis rescue medication, in accordance with this section; and

(b) administer an adrenal crisis rescue medication to a student with an adrenal crisis rescue authorization if:

(i) the student exhibits a symptom, described on the student's adrenal crisis rescue authorization, that warrants the administration of an adrenal crisis rescue

- 232 medication; and
- 233 (ii) a licensed health care professional is not immediately available to administer the
- 234 adrenal crisis rescue medication.
- 235 (5) A trained school employee volunteer who administers an adrenal crisis rescue
- 236 medication shall take appropriate action in accordance with the training described in
- 237 Subsection (2).
- 238 (6) A trained school employee volunteer who administers an adrenal crisis rescue
- 239 medication in accordance with this section in good faith is not liable in a civil or
- 240 criminal action for an act taken or not taken under this section.
- 241 (7) Section 53G-9-502 does not apply to the administration of an adrenal crisis rescue
- 242 medication.
- 243 (8) Section 53G-8-205 does not apply to the possession of an adrenal crisis rescue
- 244 medication in accordance with this section.
- 245 (9) (a) The unlawful or unprofessional conduct provisions of Title 58, Occupations and
- 246 Professions, do not apply to an individual who is licensed as a health care
- 247 professional under Title 58, Occupations and Professions, including a nurse,
- 248 physician, physician assistant, or pharmacist, for training, in good faith, a school
- 249 employee who:
- 250 (i) volunteers to administer an adrenal crisis rescue medication in accordance with
- 251 this section; and
- 252 (ii) is not licensed under Title 58, Occupations and Professions.
- 253 (b) Allowing a trained school employee volunteer to administer an adrenal crisis rescue
- 254 medication in accordance with this section does not constitute unlawful or
- 255 inappropriate delegation under Title 58, Occupations and Professions.
- 256 Section 4. **Effective date.**
- 257 This bill takes effect on July 1, 2024.