

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1975 Session of 2019

INTRODUCED BY MARKOSEK, HENNESSEY, FREEMAN, HILL-EVANS, McNEILL, MADDEN, DIAMOND, RAVENSTAHL, KINSEY, CALTAGIRONE, READSHAW, BIZZARRO, MERSKI, FRANKEL, MULLINS, MURT, SCHWEYER, KORTZ, FITZGERALD, YOUNGBLOOD, ROZZI, SHUSTERMAN, WARREN, SNYDER, DeLUCA, DRISCOLL AND JOHNSON-HARRELL, OCTOBER 22, 2019

REFERRED TO COMMITTEE ON EDUCATION, OCTOBER 22, 2019

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
 2 act relating to the public school system, including certain  
 3 provisions applicable as well to private and parochial  
 4 schools; amending, revising, consolidating and changing the  
 5 laws relating thereto," in school health services, providing  
 6 for seizure management and treatment plan, for seizure  
 7 recognition and related first aid training, for seizure  
 8 disorder management and first aid liability, for acts not  
 9 considered delegation for seizure disorder care and for  
 10 liability.

11 The General Assembly of the Commonwealth of Pennsylvania  
 12 hereby enacts as follows:

13 Section 1. This act may be referred to as Haley's Law.

14 Section 2. The act of March 10, 1949 (P.L.30, No.14), known  
 15 as the Public School Code of 1949, is amended by adding sections  
 16 to read:

17 Section 1414.11. Seizure Management and Treatment Plan.--(a)  
 18 The parent or guardian of a student with a seizure disorder may  
 19 seek care for the student's seizures while the student is at  
 20 school or participating in a school activity by submitting to

1 the school entity where the student is enrolled a copy of a  
2 seizure management and treatment plan developed by the parent or  
3 guardian and the family physician responsible for the student's  
4 seizure management and treatment.

5 (b) The seizure management and treatment plan submitted  
6 under subsection (a) must be reviewed by the school entity to  
7 determine if the plan satisfies the criteria under subsection

8 (c):

9 (1) before or at the beginning of the school year;

10 (2) on the date of the enrollment of the student if the  
11 student enrolls in the school entity after the beginning of the  
12 school year; or

13 (3) as soon as practicable following a diagnosis of a  
14 seizure disorder for the student.

15 (c) A seizure management and treatment plan shall:

16 (1) identify the health care services that the student may  
17 receive while at school or participating in a school activity;

18 (2) evaluate the student's ability to manage the ongoing  
19 maintenance of the student's seizure disorder; and

20 (3) be signed by the student's parent or guardian and the  
21 family physician responsible for the student's seizure  
22 management and treatment.

23 (d) As used in this section, "school entity" means any  
24 public school, charter school, cyber charter school, private  
25 school, nonpublic school, intermediate unit or area vocational-  
26 technical school.

27 Section 1414.12. Seizure Recognition and Related First Aid  
28 Training.--(a) A school nurse may complete an online or in-  
29 person course of instruction approved by the Department of  
30 Education, in conjunction with the Department of Health, for

1 school nurses regarding managing students with seizure disorders  
2 that includes information about seizure recognition and related  
3 first aid.

4 (b) A school employe may complete an online or in-person  
5 course of instruction approved by the Department of Education,  
6 in conjunction with the Department of Health, for school  
7 personnel regarding awareness of students with seizure disorders  
8 and information about seizure recognition and related first aid.  
9 A school employe who completes the online or in-person course of  
10 instruction under this subsection shall be eligible for credit  
11 towards the continuing professional education requirements under  
12 section 1205.2(a)(3) and (4). Completion of seizure disorder  
13 training under this subsection shall not be construed to  
14 obligate a school employe to administer medication or provide  
15 medical care to a student with a seizure disorder.

16 (c) The Department of Education, in conjunction with the  
17 Department of Health, may approve an online or in-person course  
18 of instruction provided by a nonprofit organization that  
19 supports the welfare of individuals with epilepsy and seizure  
20 disorders. An online or in-person course of instruction approved  
21 under this subsection shall be provided to a school entity by a  
22 nonprofit organization at no cost.

23 (d) The Department of Education, in conjunction with the  
24 Department of Health, shall approve online and in-person courses  
25 of instruction no later than July 1, 2020.

26 (e) The Department of Education, in conjunction with the  
27 Department of Health, shall adopt rules as necessary to  
28 administer this section.

29 (f) As used in this section, "school entity" means any  
30 public school, charter school, cyber charter school, private

1 school, nonpublic school, intermediate unit or area vocational-  
2 technical school.

3 Section 1414.13. Seizure Disorder Management and First Aid  
4 Liability.--(a) Nothing in the provisions under sections  
5 1414.11 and 1414.12 shall be construed to establish or expand  
6 any civil liability on the part of a school entity or school  
7 employe.

8 (b) As used in this section, "school entity" means any  
9 public school, charter school, cyber charter school, private  
10 school, nonpublic school, intermediate unit or area vocational-  
11 technical school.

12 Section 1414.14. Acts Not Considered Delegation for Seizure  
13 Disorder Care.--(a) Notwithstanding any other law to the  
14 contrary, coordinating or supervising the provision of seizure  
15 disorder care under section 1414.11 and providing instruction  
16 under section 1414.12 shall not be construed as a delegation by  
17 a health care practitioner.

18 (b) Notwithstanding any other provision of law, a school  
19 employe who receives seizure disorder care training under  
20 section 1414.12(b) shall not be considered to be engaging in  
21 health-related activities which are reserved exclusively for  
22 licensed professionals.

23 Section 1414.15. Liability.--(a) A school district or  
24 school district employe or agent, acting in good faith and in  
25 substantial compliance with a student's seizure management and  
26 treatment plan and the instructions of the student's family  
27 physician, shall not be subject to any criminal or civil  
28 liability or any professional disciplinary action.

29 (b) A health care practitioner who acts in accordance with  
30 section 1414.11 when coordinating or supervising care for a

1 student and in accordance with section 1414.12 when providing  
2 instruction to a school employe shall not be subject to any  
3 criminal or civil liability or any professional disciplinary  
4 action.

5 Section 3. The addition of sections 1414.11, 1414.12,  
6 1414.13, 1414.14 and 1414.15 of the act shall apply to the 2020-  
7 2021 school year and each school year thereafter.

8 Section 4. This act shall take effect in 60 days.