

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1171 Session of
2024

INTRODUCED BY ARGALL, VOGEL, GEBHARD, KANE, COLLETT, COSTA,
SCHWANK, BREWSTER, DILLON AND MILLER, APRIL 22, 2024

REFERRED TO EDUCATION, APRIL 22, 2024

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," providing for administration of
6 emergency anti-seizure medication.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
10 as the Public School Code of 1949, is amended by adding an
11 article to read:

12 ARTICLE XIV-C

13 ADMINISTRATION OF EMERGENCY

14 ANTI-SEIZURE MEDICATION

15 Section 1401-C. Scope of article.

16 This article relates to the administration of emergency anti-
17 seizure medication.

18 Section 1402-C. Legislative findings and intent.

19 The General Assembly finds and declares that:

20 (1) It is the policy of this Commonwealth to promote the

1 health, safety and general welfare of the people by
2 establishing voluntary medical training to treat pupils with
3 diabetes who are suffering from severe hypoglycemia.

4 (2) It is the policy of this Commonwealth to promote the
5 health, safety and general welfare of the people by
6 permitting a school district or charter school participation
7 in a program to provide, in the absence of a credentialed
8 school nurse or other licensed nurse onsite at the school or
9 charter school, emergency medical assistance to pupils with
10 epilepsy suffering from seizures.

11 (3) In order to meet that goal, it is the intent of the
12 General Assembly that licensed health care professionals
13 train and supervise employees of school districts and charter
14 schools to administer an emergency anti-seizure medication to
15 children with epilepsy in public schools. The American
16 Academy of Pediatrics and the Epilepsy Foundation of America
17 support training of school employees to administer an
18 emergency anti-seizure medication and believe that an
19 emergency anti-seizure medication may be safely and
20 effectively administered by trained school employees.

21 (4) It is the intent of the General Assembly that
22 individuals with exceptional needs and children with
23 disabilities under the Americans with Disabilities Act of
24 1990 (Public Law 101-336, 104 Stat. 327), the Individuals
25 with Disabilities Education Act and section 504 of the
26 Rehabilitation Act of 1973 shall have a right to an
27 appropriate educational opportunity to meet these
28 individuals' unique needs, and that children suffering from
29 seizures due to epilepsy have the right to appropriate
30 programs and services that are designed to meet the

1 children's unique needs.

2 Section 1403-C. Definitions.

3 The following words and phrases when used in this article
4 shall have the meanings given to them in this section unless the
5 context clearly indicates otherwise:

6 "504 plan." A plan created under section 504 of the
7 Individuals with Disabilities Education Act.

8 "Emergency anti-seizure medication." Nayzilam nasal spray or
9 a similar remedy, vagus nerve stimulator magnets and other
10 nonrectal emergency medications and treatments approved by the
11 Federal Food and Drug Administration for patients with epilepsy
12 for the management of seizures by persons without medical
13 credentials as required by the Commonwealth.

14 "Emergency medical assistance." Administration of an
15 emergency anti-seizure medication to a pupil suffering from an
16 epileptic seizure.

17 "Individuals with Disabilities Education Act." The
18 Individuals with Disabilities Education Act (Public Law 91-230,
19 20 U.S.C. § 1400 et seq.).

20 "Rehabilitation Act of 1973." Rehabilitation Act of 1973
21 (Public Law 93-112, 29 U.S.C. § 701 et seq.).

22 Section 1404-C. Administration of emergency anti-seizure
23 medication.

24 (a) Nurse administration.--Emergency anti-seizure medication
25 may be administered by a school nurse who has been trained in
26 anti-seizure medication administration.

27 (b) Nonmedical employees administration.--

28 (1) In the absence of a credentialed school nurse or
29 other licensed nurse onsite at the school or charter school,
30 a school district or charter school may elect to participate

1 in a program to allow nonmedical employees to volunteer to
2 provide emergency medical assistance upon request by a parent
3 or guardian.

4 (2) A school employee with voluntary emergency medical
5 training shall provide emergency medical assistance in
6 accordance with guidelines approved and provided on the
7 department's publicly accessible Internet website and the
8 performance instructions as specified by the licensed health
9 care provider of the pupil.

10 (c) Exception.--A school employee who does not volunteer or
11 who has not been trained in emergency medical assistance may not
12 be required to provide emergency medical assistance.

13 (d) Parental or guardian request.--

14 (1) If a pupil with epilepsy has been prescribed an
15 emergency anti-seizure medication by the pupil's licensed
16 health care provider, the pupil's parent or guardian may
17 request the pupil's school to have one or more of the
18 school's employees receive emergency medical assistance
19 training as specified under subsection (e) in the event that
20 the pupil suffers a seizure when a nurse is not available.

21 (2) Under section 504 of the Rehabilitation Act of 1973,
22 and the Individuals with Disabilities Education Act, upon
23 receipt of the parent's or guardian's request as specified
24 under this subsection, the school or charter school shall
25 notify the parent or guardian that the child may qualify for
26 services or accommodations under a 504 plan or an
27 individualized education program, assist the parent or
28 guardian with the exploration of that option and encourage
29 the parent or guardian to adopt that option if it is
30 determined that the child is eligible for a 504 plan or an

1 individualized education program.

2 (3) The school or charter school may ask the parent or
3 guardian to sign a notice verifying that the parent or
4 guardian was given information about section 504 of the
5 Rehabilitation Act of 1973 and the Individuals with
6 Disabilities Education Act and that the parent or guardian
7 understands the right to request a 504 plan or an
8 individualized education program at any time.

9 (4) If the parent or guardian does not choose to have
10 the pupil assessed for a 504 plan or an individualized
11 education program, the school or charter school may create an
12 individualized health plan, seizure action plan or other
13 appropriate health plan designed to acknowledge and prepare
14 for the child's health care needs in school. The plan may
15 include the involvement of a trained volunteer school
16 employee or a licensed vocational nurse.

17 (e) Training.--In training employees as specified under this
18 article, the school district or charter school shall ensure:

19 (1) That a volunteer employee receives training from a
20 licensed health care professional regarding emergency medical
21 assistance. If the volunteer employee has not provided
22 emergency medical assistance within the prior two years and
23 there is a pupil enrolled in the school who may need the
24 administration of an anti-seizure medication, the volunteer
25 employee shall attend a new training program to retain the
26 ability to provide emergency medical assistance.

27 (2) That an agreement by an employee to provide
28 emergency medical assistance is voluntary and an employee of
29 the school or charter school, an employee of the school
30 district or the charter school administrator, may not

1 directly or indirectly use or attempt to use the employee's
2 authority or influence for the purpose of intimidating,
3 threatening, coercing or attempting to intimidate, threaten
4 or coerce an employee who does not choose to volunteer,
5 including direct contact with the employee.

6 (3) That an employee who volunteers under this section
7 may rescind the employee's offer to provide emergency medical
8 assistance up to three days after the completion of the
9 training. After that time, a volunteer may rescind the
10 volunteer's offer to provide emergency medical assistance
11 with a two-week notice, or until a new individual health plan
12 or 504 plan has been developed for an affected pupil,
13 whichever is sooner.

14 (4) The school or charter school shall distribute an
15 electronic notice no more than twice per school year per
16 child to all staff, that states the following information in
17 bold print:

18 (i) A description of the volunteer request, stating
19 that the request is for volunteers to provide emergency
20 medical assistance in the absence of a school nurse, and
21 that the emergency anti-seizure medication is an FDA-
22 approved, predosed, nasal remedy or magnet therapy for
23 those with a vagus nerve stimulator that reduces the
24 severity of epileptic seizures.

25 (ii) A description of the training that the
26 volunteer will receive under paragraph (1).

27 (iii) A description of the voluntary nature of the
28 volunteer program, which includes the information
29 described in paragraph (2).

30 (iv) The volunteer rescission time lines described

1 in paragraph (3).

2 (5) The electronic notice described in paragraph (4)
3 shall be the only means by which a school or charter school
4 solicits volunteers.

5 (f) Timing.--An employee who volunteers as specified under
6 this section may not be required to provide emergency medical
7 assistance until completion of the training program adopted by
8 the school district or charter school, and documentation of
9 completion is recorded in the employee's personnel file.

10 (g) Liability.--If a school district or charter school
11 elects to participate as specified under subsection (b), the
12 school district or charter school shall be immune from liability
13 for the good faith conduct of an employee acting under this
14 section and shall ensure that each employee who volunteers shall
15 be provided defense and indemnification by the school district
16 or charter school for any and all civil liability. This
17 information shall be reduced to writing, provided to the
18 volunteer and retained in the volunteer's personnel file.

19 (h) Accommodations notice.--If there are no volunteers, the
20 school district or charter school shall notify the pupil's
21 parent or guardian of the option to be assessed for services and
22 accommodations guaranteed under section 504 of the
23 Rehabilitation Act of 1973 and the Individuals with Disabilities
24 Education Act.

25 (i) Creation of program.--A school district or charter
26 school that elects to participate as specified under subsection
27 (b) shall have in place a school district or charter school plan
28 that includes all of the following:

29 (1) Identification of existing licensed staff within the
30 district or region who may be trained in the administration

1 of emergency medical assistance.

2 (2) Identification of pupils who may require the
3 administration of emergency medical assistance.

4 (3) Written authorization from the parent or guardian
5 for a nonmedical school employee to administer emergency
6 medical assistance.

7 (4) The requirement that the parent or guardian be
8 notified by the school or charter school if the pupil has had
9 an emergency anti-seizure medication administered within the
10 past four hours on a school day.

11 (5) Notification of the parent or guardian, by the
12 school or charter school administrator or, if the
13 administrator is not available, by another school staff
14 member, that an emergency anti-seizure medication has been
15 administered.

16 (6) A written statement from the pupil's health care
17 practitioner that includes:

18 (i) The pupil's name.

19 (ii) The name and purpose of the medication.

20 (iii) The prescribed dosage.

21 (iv) Detailed seizure symptoms, including frequency,
22 type or length of seizures that identify when the
23 administration of emergency medical assistance becomes
24 necessary.

25 (v) The method of administration of anti-seizure
26 medication.

27 (vi) The frequency with which the medication may be
28 administered.

29 (vii) The circumstances under which the medication
30 may be administered.

1 (viii) Any potential adverse responses by the pupil
2 and recommended mitigation actions, including when to
3 call emergency services.

4 (ix) A protocol for observing the pupil after a
5 seizure, including whether the pupil should rest in the
6 school office, whether the pupil may return to class and
7 the length of time the pupil should be under direct
8 supervision.

9 (x) Following a seizure, the pupil's parent or
10 guardian and the school nurse shall be contacted by the
11 school or charter school administrator or, if the
12 administrator is not available, by another school staff
13 member to continue the observation plan as established in
14 subparagraph (ix).

15 (j) Compensation.--A school district or charter school that
16 elects to allow volunteers to provide emergency medical
17 assistance shall compensate a volunteer, in accordance with that
18 employee volunteer's pay scale, when the administration of
19 emergency medical assistance requires a volunteer to work beyond
20 the volunteer's normally scheduled hours.

21 (k) Guidelines.--

22 (1) The department, in consultation with the United
23 States Department of Health and Human Services, shall develop
24 guidelines for the training and supervision of school and
25 charter school employees in providing emergency medical
26 assistance and shall post this information on the
27 department's publicly accessible Internet website by July 1,
28 2024.

29 (2) The guidelines may be developed in consultation with
30 interested organizations.

1 (3) Upon development of the guidelines, the department
2 shall approve the guidelines for distribution and shall make
3 the guidelines available upon request.

4 (1) Best practices.--The department shall include, on the
5 department's publicly accessible Internet website, a
6 clearinghouse for best practices in training nonmedical
7 personnel to provide emergency medical assistance. The following
8 shall apply:

9 (1) Training established as specified under this
10 subsection shall include all of the following:

11 (i) Recognition and treatment of different types of
12 seizures.

13 (ii) Administration of an emergency anti-seizure
14 medication.

15 (iii) Basic emergency follow-up procedures,
16 including a requirement for the school or charter school
17 administrator or, if the administrator is not available,
18 another school staff member to call the emergency 911
19 telephone number and to contact the pupil's parent or
20 guardian. The requirement for the school or charter
21 school administrator or other school staff member to call
22 the emergency 911 telephone number may not require a
23 pupil to be transported to an emergency room.

24 (2) Techniques and procedures to ensure pupil privacy.

25 (3) Any written materials used in the training shall be
26 retained by the school or charter school.

27 (4) Training established as specified under this
28 subsection shall be conducted by one or more of the
29 following:

30 (i) A physician and surgeon.

1 (ii) A physician assistant.

2 (iii) A credentialed school nurse.

3 (iv) A registered nurse.

4 (v) A certified public health nurse.

5 (5) Training provided in accordance with the
6 manufacturer's instructions, the pupil's health care
7 provider's instructions and guidelines established as
8 specified under this section shall be deemed adequate
9 training for purposes of this section.

10 (m) Reporting and records.--

11 (1) The school or charter school administrator or, if
12 the administrator is not available, another school staff
13 member shall notify the credentialed school nurse assigned to
14 the school district or charter school if an employee at the
15 school site provides emergency medical assistance.

16 (2) If a credentialed school nurse is not assigned to
17 the school district or charter school, the school or charter
18 school administrator or, if the administrator is not
19 available, another school staff member shall notify the
20 superintendent of the school district or the superintendent's
21 designee and the charter school administrator or the charter
22 school administrator's designee, as appropriate, if an
23 employee at the school site provides emergency medical
24 assistance.

25 (3) A school or charter school shall retain all records
26 relating to the administration of an emergency anti-seizure
27 medication while a pupil is under the supervision of school
28 staff.

29 (n) Required materials.--The pupil's parent or guardian
30 shall provide all materials necessary to provide emergency

1 medical assistance. A school or charter school may not be
2 responsible for providing the necessary materials.

3 Section 2. This act shall take effect immediately.