

SECOND REGULAR SESSION

HOUSE BILL NO. 2588

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BROWN.

5422H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 167, RSMo, by adding thereto one new section relating to the care of students with epilepsy or seizure disorders, with an emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 167, RSMo, is amended by adding thereto one new section, to be known as section 167.625, to read as follows:

167.625. 1. This section shall be known and may be cited as "Will's Law".

2. As used in this section, the following terms mean:

(1) "Individualized emergency health care plan", a document developed by a school nurse, in consultation with a student's parent and other appropriate medical professionals, that is consistent with the recommendations of the student's health care providers, that describes procedural guidelines that provide specific directions about what to do in a particular emergency situation, and that is signed by the parent and the school nurse or the school administrator or the administrator's designee in the absence of the school nurse;

(2) "Individualized health care plan", a document developed by a school nurse, in consultation with a student's parent and other appropriate medical professionals who may be providing epilepsy or seizure disorder care to the student, that is consistent with the recommendations of the student's health care providers, that describes the health services needed by the student at school, and that is signed by the parent and the school nurse or the school administrator or the administrator's designee in the absence of the school nurse;

(3) "Parent", a parent, guardian, or other person having charge, control, or custody of a student;

(4) "School", any public elementary or secondary school or charter school;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 (5) "School employee", a person employed by a school;

19 (6) "Student", a student who has epilepsy or a seizure disorder and who attends
20 a school.

21 3. (1) The parent of a student who seeks epilepsy or seizure disorder care while at
22 school shall inform the school nurse or the school administrator or the administrator's
23 designee in the absence of the school nurse. The school nurse shall develop an
24 individualized health care plan and an individualized emergency health care plan for the
25 student. The parent of the student shall annually provide to the school written
26 authorization for the provision of epilepsy or seizure disorder care as described in the
27 individualized plans.

28 (2) The individualized plans developed under subdivision (1) of this subsection shall
29 be updated by the school nurse before the beginning of each school year and as necessary
30 if there is a change in the health status of the student.

31 (3) Each individualized health care plan shall, and each individualized emergency
32 health care plan may, include but not be limited to the following information:

33 (a) A notice about the student's condition for all school employees who interact with
34 the student;

35 (b) Written orders from the student's physician or advanced practice nurse
36 describing the epilepsy or seizure disorder care;

37 (c) The symptoms of the epilepsy or seizure disorder for that particular student and
38 recommended care;

39 (d) Whether the student may fully participate in exercise and sports, and any
40 contraindications to exercise or accommodations that shall be made for that particular
41 student;

42 (e) Accommodations for school trips, after-school activities, class parties, and other
43 school-related activities;

44 (f) Information for such school employees about how to recognize and provide care
45 for epilepsy and seizure disorders, epilepsy and seizure disorder first aid training, when
46 to call for assistance, emergency contact information, and parent contact information;

47 (g) Medical and treatment issues that may affect the educational process of the
48 student;

49 (h) The student's ability to manage, and the student's level of understanding of, the
50 student's epilepsy or seizure disorder; and

51 (i) How to maintain communication with the student, the student's parent and
52 health care team, the school nurse or the school administrator or the administrator's
53 designee in the absence of the school nurse, and the school employees.

54 **4. (1) The school nurse assigned to a particular school or the school administrator**
55 **or the administrator's designee in the absence of the school nurse shall coordinate the**
56 **provision of epilepsy and seizure disorder care at that school and ensure that all school**
57 **employees are trained every two years in the care of students with epilepsy and seizure**
58 **disorders including, but not limited to, school employees working with school-sponsored**
59 **programs outside of the regular school day, as provided in the student's individualized**
60 **plans.**

61 **(2) The training required under subdivision (1) of this subsection shall include an**
62 **online or in-person course of instruction approved by the department of elementary and**
63 **secondary education that is provided by a reputable health care organization or nonprofit**
64 **national organization that supports the welfare of individuals with epilepsy and seizure**
65 **disorders.**

66 **5. The school nurse or the school administrator or the administrator's designee in**
67 **the absence of the school nurse shall obtain a release from a student's parent to authorize**
68 **the sharing of medical information between the student's physician or advanced practice**
69 **nurse and other health care providers. The release shall also authorize the school nurse**
70 **or the school administrator or the administrator's designee in the absence of the school**
71 **nurse to share medical information with other school employees in the school district as**
72 **necessary. No sharing of information under this subsection shall be construed to be a**
73 **violation of the federal Health Insurance Portability and Accountability Act of 1996**
74 **(HIPAA) (Pub. L. 104-191), as amended, if a student's parent has provided a release under**
75 **this subsection.**

76 **6. No school employee including, but not limited to, a school nurse, a school bus**
77 **driver, a school bus aide, or any other officer or agent of a school shall be held liable for**
78 **any good faith act or omission consistent with the provisions of this section, nor shall an**
79 **action before the state board of nursing lie against a school nurse for any such action taken**
80 **by a school employee trained in good faith by the school nurse under this section. "Good**
81 **faith" shall not be construed to include willful misconduct, gross negligence, or**
82 **recklessness.**

Section B. Because immediate action is necessary to provide individualized care plans
2 for students with epilepsy or seizure disorders who attend public schools, section A of this act
3 is deemed necessary for the immediate preservation of the public health, welfare, peace, and
4 safety, and is hereby declared to be an emergency act within the meaning of the constitution, and
5 section A of this act shall be in full force and effect upon its passage and approval.

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