

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 622 Session of 2021

INTRODUCED BY MARKOSEK, HILL-EVANS, SANCHEZ, KULIK, WARREN,
 GALLOWAY, SCHWEYER, PISCIOTTANO, NEILSON, HOHENSTEIN,
 A. DAVIS, FREEMAN, DEASY, HOWARD AND McCLINTON,
 FEBRUARY 24, 2021

REFERRED TO COMMITTEE ON EDUCATION, FEBRUARY 24, 2021

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
 21 the school entity where the student is enrolled a copy of a

1 seizure management and treatment plan developed by the parent or
2 guardian and the family physician responsible for the student's
3 seizure management and treatment.

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

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

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

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

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

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

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

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

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

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

1 that includes information about seizure recognition and related
2 first aid.

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

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

22 (d) The Department of Education, in conjunction with the
23 Department of Health, shall approve online and in-person courses
24 of instruction no later than July 1, 2021.

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

28 (f) As used in this section, "school entity" means any
29 public school, charter school, cyber charter school, private
30 school, nonpublic school, intermediate unit or area vocational-

1 technical school.

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

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

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

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

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

28 (b) A health care practitioner who acts in accordance with
29 section 1414.11 when coordinating or supervising care for a
30 student and in accordance with section 1414.12 when providing

1 instruction to a school employe shall not be subject to any
2 criminal or civil liability or any professional disciplinary
3 action.

4 Section 3. The addition of sections 1414.11, 1414.12,
5 1414.13, 1414.14 and 1414.15 of the act shall apply to the 2021-
6 2022 school year and each school year thereafter.

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