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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 969 Session of  
2021

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INTRODUCED BY ARGALL, GEBHARD, FONTANA, KANE, MARTIN, STEFANO,  
SCHWANK, CAPPELLETTI, MENSCH AND MUTH, DECEMBER 14, 2021

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REFERRED TO EDUCATION, DECEMBER 14, 2021

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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. Short title of article.

16 This article shall be known and may be cited as the Emergency  
17 Anti-Seizure Medication Law.

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, county office of education or  
7 charter school participation in a program to provide, in the  
8 absence of a credentialed school nurse or other licensed  
9 nurse onsite at the school or charter school, emergency  
10 medical assistance to pupils with epilepsy suffering from  
11 seizures.

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

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

1 seizures due to epilepsy have the right to appropriate  
2 programs and services that are designed to meet the  
3 children's unique needs.

4 Section 1403-C. Definitions.

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

8 "504 plan." A plan created under section 504 of the  
9 Individuals with Disabilities Education Act.

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

17 "Emergency medical assistance." Administration of an  
18 emergency anti-seizure medication to a pupil suffering from an  
19 epileptic seizure.

20 "Individuals with Disabilities Education Act." The  
21 Individuals with Disabilities Education Act (Public Law 91-230,  
22 20 U.S.C. § 1400 et seq.).

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

25 Section 1404-C. Administration of emergency anti-seizure  
26 medication.

27 (a) Nurse administration.--Emergency anti-seizure medication  
28 may be administered by a school nurse or licensed vocational  
29 nurse who has been trained in anti-seizure medication  
30 administration.

1 (b) Nonmedical employees administration.--

2 (1) In the absence of a credentialed school nurse or  
3 other licensed nurse onsite at the school or charter school,  
4 a school district, county office of education or charter  
5 school may elect to participate in a program to allow  
6 nonmedical employees to volunteer to provide emergency  
7 medical assistance upon request by a parent or guardian.

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

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

17 (d) Parental or guardian request.--

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

25 (2) Under section 504 of the Rehabilitation Act of 1973,  
26 and the Individuals with Disabilities Education Act, upon  
27 receipt of the parent's or guardian's request as specified  
28 under this subsection, the school or charter school shall  
29 notify the parent or guardian that the child may qualify for  
30 services or accommodations under a 504 plan or an

1 individualized education program, assist the parent or  
2 guardian with the exploration of that option and encourage  
3 the parent or guardian to adopt that option if it is  
4 determined that the child is eligible for a 504 plan or an  
5 individualized education program.

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

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

21 (e) Training.--In training employees as specified under this  
22 article, the school district, county office of education or  
23 charter school shall ensure:

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

1 ability to provide emergency medical assistance.

2 (2) That an agreement by an employee to provide  
3 emergency medical assistance is voluntary and an employee of  
4 the school or charter school, an employee of the school  
5 district, county office of education or the charter school  
6 administrator, may not directly or indirectly use or attempt  
7 to use the employee's authority or influence for the purpose  
8 of intimidating, threatening, coercing or attempting to  
9 intimidate, threaten or coerce an employee who does not  
10 choose to volunteer, including direct contact with the  
11 employee.

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

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

24 (i) A description of the volunteer request, stating  
25 that the request is for volunteers to provide emergency  
26 medical assistance in the absence of a school nurse, and  
27 that the emergency anti-seizure medication is an FDA-  
28 approved, predosed, rectally administered gel, nasal  
29 remedy or magnet therapy for those with a vagus nerve  
30 stimulator that reduces the severity of epileptic

1           seizures.

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

4           (iii) A description of the voluntary nature of the  
5 volunteer program, which includes the information  
6 described in paragraph (2).

7           (iv) The volunteer rescission time lines described  
8 in paragraph (3).

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

12          (f) Timing.--An employee who volunteers as specified under  
13 this section may not be required to provide emergency medical  
14 assistance until completion of the training program adopted by  
15 the school district, county office of education or charter  
16 school, and documentation of completion is recorded in the  
17 employee's personnel file.

18          (g) Liability.--If a school district, county office of  
19 education or charter school elects to participate as specified  
20 under subsection (b), the school district, county office of  
21 education or charter school shall ensure that each employee who  
22 volunteers shall be provided defense and indemnification by the  
23 school district, county office of education or charter school  
24 for any and all civil liability. This information shall be  
25 reduced to writing, provided to the volunteer and retained in  
26 the volunteer's personnel file.

27          (h) Accommodations notice.--If there are no volunteers, the  
28 school or charter school shall notify the pupil's parent or  
29 guardian of the option to be assessed for services and  
30 accommodations guaranteed under section 504 of the

1 Rehabilitation Act of 1973 and the Individuals with Disabilities  
2 Education Act.

3 (i) Creation of program.--A school district, county office  
4 of education or charter school that elects to participate as  
5 specified under subsection (b) shall have in place a school  
6 district, county office of education or charter school plan that  
7 includes all of the following:

8 (1) Identification of existing licensed staff within the  
9 district or region who may be trained in the administration  
10 of emergency medical assistance. The school district or  
11 charter school shall consult with the county office of  
12 education to obtain this information.

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

15 (3) Written authorization from the parent or guardian  
16 for a nonmedical school employee to administer emergency  
17 medical assistance.

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

22 (5) Notification of the parent or guardian, by the  
23 school or charter school administrator or, if the  
24 administrator is not available, by another school staff  
25 member, that an emergency anti-seizure medication has been  
26 administered.

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

29 (i) The pupil's name.

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



1           (iii) The prescribed dosage.

2           (iv) Detailed seizure symptoms, including frequency,  
3 type or length of seizures that identify when the  
4 administration of emergency medical assistance becomes  
5 necessary.

6           (v) The method of administration of anti-seizure  
7 medication.

8           (vi) The frequency with which the medication may be  
9 administered.

10          (vii) The circumstances under which the medication  
11 may be administered.

12          (viii) Any potential adverse responses by the pupil  
13 and recommended mitigation actions, including when to  
14 call emergency services.

15          (ix) A protocol for observing the pupil after a  
16 seizure, including whether the pupil should rest in the  
17 school office, whether the pupil may return to class and  
18 the length of time the pupil should be under direct  
19 supervision.

20          (x) Following a seizure, the pupil's parent or  
21 guardian and the school nurse shall be contacted by the  
22 school or charter school administrator or, if the  
23 administrator is not available, by another school staff  
24 member to continue the observation plan as established in  
25 subparagraph (ix).

26          (j) Compensation.--A school district, county office of  
27 education or charter school that elects to allow volunteers to  
28 provide emergency medical assistance shall compensate a  
29 volunteer, in accordance with that employee volunteer's pay  
30 scale, when the administration of emergency medical assistance

1 requires a volunteer to work beyond the volunteer's normally  
2 scheduled hours.

3 (k) Guidelines.--

4 (1) The department, in consultation with the United  
5 States Department of Health and Human Services, shall develop  
6 guidelines for the training and supervision of school and  
7 charter school employees in providing emergency medical  
8 assistance and shall post this information on the  
9 department's publicly accessible Internet website by July 1,  
10 2022.

11 (2) The guidelines may be developed in consultation with  
12 interested organizations.

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

16 (l) Best practices.--The department shall include, on the  
17 department's publicly accessible Internet website, a  
18 clearinghouse for best practices in training nonmedical  
19 personnel to provide emergency medical assistance. The following  
20 shall apply:

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

23 (i) Recognition and treatment of different types of  
24 seizures.

25 (ii) Administration of an emergency anti-seizure  
26 medication.

27 (iii) Basic emergency follow-up procedures,  
28 including a requirement for the school or charter school  
29 administrator or, if the administrator is not available,  
30 another school staff member to call the emergency 911

1 telephone number and to contact the pupil's parent or  
2 guardian. The requirement for the school or charter  
3 school administrator or other school staff member to call  
4 the emergency 911 telephone number may not require a  
5 pupil to be transported to an emergency room.

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

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

9 (4) Training established as specified under this  
10 subsection shall be conducted by one or more of the  
11 following:

12 (i) A physician and surgeon.

13 (ii) A physician assistant.

14 (iii) A credentialed school nurse.

15 (iv) A registered nurse.

16 (v) A certificated public health nurse.

17 (5) Training provided in accordance with the  
18 manufacturer's instructions, the pupil's health care  
19 provider's instructions and guidelines established as  
20 specified under this section shall be deemed adequate  
21 training for purposes of this section.

22 (m) Reporting and records.--

23 (1) The school or charter school administrator or, if  
24 the administrator is not available, another school staff  
25 member shall notify the credentialed school nurse assigned to  
26 the school district, county office of education or charter  
27 school if an employee at the school site provides emergency  
28 medical assistance.

29 (2) If a credentialed school nurse is not assigned to  
30 the school district, county office of education or charter

1 school, the school or charter school administrator or, if the  
2 administrator is not available, another school staff member  
3 shall notify the superintendent of the school district or the  
4 superintendent's designee, the county superintendent of  
5 schools or the county superintendent of schools' designee and  
6 the charter school administrator or the charter school  
7 administrator's designee, as appropriate, if an employee at  
8 the school site provides emergency medical assistance.

9 (3) A school or charter school shall retain all records  
10 relating to the administration of an emergency anti-seizure  
11 medication while a pupil is under the supervision of school  
12 staff.

13 (n) Required materials.--The pupil's parent or guardian  
14 shall provide all materials necessary to provide emergency  
15 medical assistance. A school or charter school may not be  
16 responsible for providing the necessary materials.

17 Section 2. This act shall take effect immediately.