

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

STUDENT HEALTH AMENDMENTS
2024 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Rosemary T. Lesser
Senate Sponsor: Jen Plumb

LONG TITLE

General Description:

This bill allows employees of a local education agency to volunteer to administer certain adrenal insufficiency medication within a public school.

Highlighted Provisions:

This bill:

- defines terms;
- allows employees of a local education agency to volunteer to administer certain adrenal insufficiency medication within a public school under certain circumstances;
- requires the Department of Health and Human Services, with input from the State Board of Education and a children's hospital, to develop a certain training program in the administration of adrenal insufficiency medication;
- enacts provisions regarding the authorization and administration of adrenal insufficiency medication;
- provides protections for the training of volunteers and emergency administration of adrenal insufficiency medication within a public school; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

- 53G-9-502**, as last amended by Laws of Utah 2023, Chapter 328
- 53G-9-505**, as last amended by Laws of Utah 2019, Chapters 293, 349

28 ENACTS:

29 **53G-9-507**, Utah Code Annotated 1953

30

31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **53G-9-502** is amended to read:

33 **53G-9-502 . Administration of medication to students -- Prerequisites --**

34 **Immunity from liability -- Applicability.**

35 (1) A public or private school that holds any classes in grades kindergarten through 12 may
36 provide for the administration of medication to any student during periods when the
37 student is under the control of the school, subject to the following conditions:

38 (a) the local school board, charter school governing board, or the private equivalent,
39 after consultation with the Department of Health and Human Services and school
40 nurses shall adopt policies that provide for:

41 (i) the designation of volunteer employees who may administer medication;

42 (ii) proper identification and safekeeping of medication;

43 (iii) the training of designated volunteer employees by the school nurse;

44 (iv) maintenance of records of administration; and

45 (v) notification to the school nurse of medication that will be administered to
46 students; and

47 (b) medication may only be administered to a student if:

48 (i) the student's parent has provided a current written and signed request that
49 medication be administered during regular school hours to the student; and

50 (ii) the student's licensed health care provider has prescribed the medication and
51 provides documentation as to the method, amount, and time schedule for
52 administration, and a statement that administration of medication by school
53 employees during periods when the student is under the control of the school is
54 medically necessary.

55 (2) Authorization for administration of medication by school personnel may be withdrawn
56 by the school at any time following actual notice to the student's parent.

57 (3) School personnel who provide assistance under Subsection (1) in substantial compliance
58 with the licensed health care provider's written prescription and the employers of these
59 school personnel are not liable, civilly or criminally, for:

60 (a) any adverse reaction suffered by the student as a result of taking the medication; and

61 (b) discontinuing the administration of the medication under Subsection (2).

- 62 (4) Subsections (1) through (3) do not apply to:
- 63 (a) the administration of glucagon in accordance with Section 53G-9-504;
- 64 (b) the administration of a seizure rescue medication in accordance with Section
- 65 53G-9-505; ~~or~~
- 66 (c) the administration of an opiate antagonist in accordance with Title 26B, Chapter 4,
- 67 Part 5, Treatment Access[-] ; or
- 68 (d) the administration of an adrenal insufficiency medication in accordance with Section
- 69 53G-9-507.

70 Section 2. Section **53G-9-505** is amended to read:

71 **53G-9-505 . Trained school employee volunteers -- Administration of seizure**

72 **rescue medication -- Exemptions from liability.**

- 73 (1) As used in this section:
- 74 (a) "Prescribing health care professional" means:
- 75 (i) a physician and surgeon licensed under Title 58, Chapter 67, Utah Medical
- 76 Practice Act;
- 77 (ii) an osteopathic physician and surgeon licensed under Title 58, Chapter 68, Utah
- 78 Osteopathic Medical Practice Act;
- 79 (iii) an advanced practice registered nurse licensed under Title 58, Chapter 31b,
- 80 Nurse Practice Act; or
- 81 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
- 82 Assistant Act.
- 83 (b) "Seizure rescue authorization" means a student's ~~[Section 504 accommodation]~~
- 84 individualized healthcare plan that:
- 85 (i) certifies that:
- 86 (A) a prescribing health care professional has prescribed a seizure rescue
- 87 medication for the student;
- 88 (B) the student's parent has previously administered the student's seizure rescue
- 89 medication in a nonmedically-supervised setting without a complication; and
- 90 (C) the student has previously ceased having full body prolonged or convulsive
- 91 seizure activity as a result of receiving the seizure rescue medication;
- 92 (ii) describes the specific seizure rescue medication authorized for the student,
- 93 including the indicated dose, and instructions for administration;
- 94 (iii) requests that the student's public school identify and train school employees who
- 95 are willing to volunteer to receive training to administer a seizure rescue

- 96 medication in accordance with this section; and
- 97 (iv) authorizes a trained school employee volunteer to administer a seizure rescue
98 medication in accordance with this section.
- 99 (c) (i) "Seizure rescue medication" means a medication, prescribed by a prescribing
100 health care professional, to be administered as described in a student's seizure
101 rescue authorization, while the student experiences seizure activity.
- 102 (ii) A seizure rescue medication does not include a medication administered
103 intravenously or intramuscularly.
- 104 (d) "Trained school employee volunteer" means an individual who:
- 105 (i) is an employee of a public school where at least one student has a seizure rescue
106 authorization;
- 107 (ii) is at least 18 years old; and
- 108 (iii) as described in this section:
- 109 (A) volunteers to receive training in the administration of a seizure rescue
110 medication;
- 111 (B) completes a training program described in this section;
- 112 (C) demonstrates competency on an assessment; and
- 113 (D) completes annual refresher training each year that the individual intends to
114 remain a trained school employee volunteer.
- 115 (2) (a) The Department of Health and Human Services shall, with input from the state
116 board and a children's hospital, develop a training program for trained school
117 employee volunteers in the administration of seizure rescue medications that includes:
- 118 (i) techniques to recognize symptoms that warrant the administration of a seizure
119 rescue medication;
- 120 (ii) standards and procedures for the storage of a seizure rescue medication;
- 121 (iii) procedures, in addition to administering a seizure rescue medication, in the event
122 that a student requires administration of the seizure rescue medication, including:
- 123 (A) calling 911; and
- 124 (B) contacting the student's parent;
- 125 (iv) an assessment to determine if an individual is competent to administer a seizure
126 rescue medication;
- 127 (v) an annual refresher training component; and
- 128 (vi) written materials describing the information required under this Subsection (2)(a).
- 129 (b) A public school shall retain for reference the written materials described in

- 130 Subsection (2)(a)(vi).
- 131 (c) The following individuals may provide the training described in Subsection (2)(a):
- 132 (i) a school nurse; or
- 133 (ii) a licensed health care professional.
- 134 (3) (a) A public school shall, after receiving a seizure rescue authorization:
- 135 (i) inform school employees of the opportunity to be a school employee volunteer;
- 136 and
- 137 (ii) subject to Subsection (3)(b)(ii), provide training, to each school employee who
- 138 volunteers, using the training program described in Subsection (2)(a).
- 139 (b) A public school may not:
- 140 (i) obstruct the identification or training of a trained school employee volunteer; or
- 141 (ii) compel a school employee to become a trained school employee volunteer.
- 142 (4) A trained school employee volunteer may possess or store a prescribed rescue seizure
- 143 medication, in accordance with this section.
- 144 (5) A trained school employee volunteer may administer a seizure rescue medication to a
- 145 student with a seizure rescue authorization if:
- 146 (a) the student is exhibiting a symptom, described on the student's seizure rescue
- 147 authorization, that warrants the administration of a seizure rescue medication; and
- 148 (b) a licensed health care professional is not immediately available to administer the
- 149 seizure rescue medication.
- 150 (6) A trained school employee volunteer who administers a seizure rescue medication shall
- 151 direct an individual to call 911 and take other appropriate actions in accordance with the
- 152 training described in Subsection (2).
- 153 (7) A trained school employee volunteer who administers a seizure rescue medication in
- 154 accordance with this section in good faith is not liable in a civil or criminal action for an
- 155 act taken or not taken under this section.
- 156 (8) Section 53G-9-502 does not apply to the administration of a seizure rescue medication.
- 157 (9) Section 53G-8-205 does not apply to the possession of a seizure rescue medication in
- 158 accordance with this section.
- 159 (10) (a) The unlawful or unprofessional conduct provisions of Title 58, Occupations and
- 160 Professions, do not apply to a person licensed as a health care professional under
- 161 Title 58, Occupations and Professions, including a nurse, physician, physician
- 162 assistant, or pharmacist for, in good faith, training a nonlicensed school employee
- 163 who volunteers to administer a seizure rescue medication in accordance with this

164 section.

165 (b) Allowing a trained school employee volunteer to administer a seizure rescue
166 medication in accordance with this section does not constitute unlawful or
167 inappropriate delegation under Title 58, Occupations and Professions.

168 Section 3. Section **53G-9-507** is enacted to read:

169 **53G-9-507 . Administration of adrenal insufficiency medication -- Training of**
170 **school personnel -- Authority to use adrenal insufficiency medication --**
171 **Immunity from liability.**

172 (1) As used in this section:

173 (a) "Adrenal crisis" means a sudden, severe worsening of symptoms associated with
174 adrenal insufficiency, including vomiting, diarrhea, dehydration, low blood pressure,
175 or loss of consciousness, or severe pain in the lower back, abdomen or legs.

176 (b) "Adrenal crisis rescue authorization" means a student's individualized healthcare
177 plan that:

178 (i) certifies that a prescribing health care professional has prescribed an adrenal crisis
179 rescue medication for the student;

180 (ii) describes the specific adrenal crisis rescue medication authorized for the student,
181 including the indicated dose, and instructions for administration;

182 (iii) requests that the student's public school identify and train school employees who
183 are willing to volunteer to receive training to administer an adrenal crisis rescue
184 medication in accordance with this section; and

185 (iv) authorizes a trained school employee volunteer to administer an adrenal crisis
186 rescue medication in accordance with this section.

187 (c) "Adrenal crisis rescue medication" means a medication that a prescribing health care
188 professional prescribes for administration to a student during an adrenal crisis activity
189 as described in a student's adrenal crisis rescue authorization.

190 (d) "Adrenal insufficiency" means an endocrine disorder that occurs when the adrenal
191 glands do not adequately produce adrenal hormones.

192 (e) "Prescribing health care professional" means:

193 (i) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;

194 (ii) an osteopathic physician licensed under Title 58, Chapter 68, Utah Osteopathic
195 Medical Practice Act;

196 (iii) an advanced practice registered nurse licensed under Title 58, Chapter 31b,
197 Nurse Practice Act; or

- 198 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
199 Assistant Act.
- 200 (f) "Trained school employee volunteer" means an individual who:
- 201 (i) is an employee of an LEA in which at least one student is enrolled who has an
202 adrenal crisis rescue authorization;
- 203 (ii) is at least 18 years old; and
- 204 (iii) as described in this section:
- 205 (A) volunteers to receive training in the administration of an adrenal crisis
206 medication;
- 207 (B) completes a training program described in this section;
- 208 (C) demonstrates competency to administer an adrenal crisis rescue medication
209 through an assessment; and
- 210 (D) completes annual training during each year in which the individual intends to
211 act as a trained school employee volunteer.
- 212 (2) (a) The Department of Health and Human Services shall, with input from the state
213 board and a children's hospital, develop a training program for trained school
214 employee volunteers in the administration of adrenal crisis rescue medication.
- 215 (b) A public school shall retain for reference the written materials created for the
216 training program described in Subsection (2)(a).
- 217 (3) (a) A public school shall, after receiving an adrenal crisis rescue authorization:
- 218 (i) inform school employees of the opportunity to be a school employee volunteer;
219 and
- 220 (ii) subject to Subsection (3)(b)(ii), provide training to each school employee who
221 volunteers, using the training described in Subsection (2)(a).
- 222 (b) A public school may not:
- 223 (i) obstruct the identification or training of a trained school employee volunteer; or
224 (ii) compel a school employee to become a trained school employee volunteer.
- 225 (4) A trained school employee volunteer may:
- 226 (a) possess or store a prescribed adrenal crisis rescue medication, in accordance with this
227 section; and
- 228 (b) administer an adrenal crisis rescue medication to a student with an adrenal crisis
229 rescue authorization if:
- 230 (i) the student exhibits a symptom, described on the student's adrenal crisis rescue
231 authorization, that warrants the administration of an adrenal crisis rescue

232 medication; and
233 (ii) a licensed health care professional is not immediately available to administer the
234 adrenal crisis rescue medication.

235 (5) A trained school employee volunteer who administers an adrenal crisis rescue
236 medication shall take appropriate action in accordance with the training described in
237 Subsection (2).

238 (6) A trained school employee volunteer who administers an adrenal crisis rescue
239 medication in accordance with this section in good faith is not liable in a civil or
240 criminal action for an act taken or not taken under this section.

241 (7) Section 53G-9-502 does not apply to the administration of an adrenal crisis rescue
242 medication.

243 (8) Section 53G-8-205 does not apply to the possession of an adrenal crisis rescue
244 medication in accordance with this section.

245 (9) (a) The unlawful or unprofessional conduct provisions of Title 58, Occupations and
246 Professions, do not apply to an individual who is licensed as a health care
247 professional under Title 58, Occupations and Professions, including a nurse,
248 physician, physician assistant, or pharmacist, for training, in good faith, a school
249 employee who:

250 (i) volunteers to administer an adrenal crisis rescue medication in accordance with
251 this section; and

252 (ii) is not licensed under Title 58, Occupations and Professions.

253 (b) Allowing a trained school employee volunteer to administer an adrenal crisis rescue
254 medication in accordance with this section does not constitute unlawful or
255 inappropriate delegation under Title 58, Occupations and Professions.

256 Section 4. **Effective date.**

257 This bill takes effect on July 1, 2024.