S T A T E O F N E W Y O R K

7848

I N S E N A T E

May 17, 2016

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law and the public health law, in relation to directing the commissioners of education and health to establish rules and regulations for the treatment and monitoring of students of school districts, boards of cooperative educational services and nonpublic schools who exhibit signs or symptoms of sudden cardiac arrest

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Short title. This act shall be known and may be cited as the "Dominic Murray sudden cardiac arrest prevention act".

S 2. Section 305 of the education law is amended by adding a new subdivision 55 to read as follows:

55. A. THE COMMISSIONER, IN CONJUNCTION WITH THE COMMISSIONER OF HEALTH, SHALL PROMULGATE AND REVIEW AS NECESSARY RULES AND REGULATIONS RELATING TO PUPILS WHO EXHIBIT SIGNS OR SYMPTOMS OF SUDDEN CARDIAC ARREST WHILE RECEIVING INSTRUCTION OR ENGAGING IN ANY SCHOOL SPONSORED OR RELATED ACTIVITY. IN DEVELOPING SUCH RULES AND REGULATIONS, THE COMMISSIONER SHALL CONSIDER COMMENTS FROM STAKEHOLDERS AND OTHER INTERESTED PARTIES INCLUDING BUT NOT LIMITED TO PARENTS, TEACHERS, STUDENTS, SCHOOL ADMINISTRATORS, SCHOOL ATHLETIC TRAINERS, SPORT COACHES, MEDICAL AND HEALTH PROFESSIONALS, THE PUBLIC SCHOOLS ATHLETIC LEAGUE (PSAL), THE NEW YORK STATE PUBLIC HIGH SCHOOL ATHLETIC ASSOCIATION (NYSPHSAA), AND OTHER ATHLETIC ASSOCIATIONS. SUCH REGULATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO:

(I) REQUIRING A COURSE OF INSTRUCTION RELATING TO RECOGNIZING PUPILS WHO EXHIBIT SIGNS OR SYMPTOMS OF SUDDEN CARDIAC ARREST AND SEEKING PROPER MEDICAL TREATMENT FOR SUCH PUPILS. SUCH COURSE OF INSTRUCTION SHALL BE REQUIRED TO BE COMPLETED ON A BIENNIAL BASIS BY ALL SCHOOL COACHES, PHYSICAL EDUCATION TEACHERS, NURSES AND ATHLETIC TRAINERS. THE COURSE OF INSTRUCTION REQUIRED BY THIS SUBPARAGRAPH SHALL INCLUDE, BUT NOT BE LIMITED TO, THE DEFINITION OF A "SUDDEN CARDIAC ARREST," SIGNS AND SYMPTOMS OF SUDDEN CARDIAC ARREST, AND THE GUIDELINES FOR THE RETURN TO

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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SCHOOL AND TO CERTAIN SCHOOL ACTIVITIES AFTER A PUPIL HAS EXHIBITED SIGNS OR SYMPTOMS OF SUDDEN CARDIAC ARREST REGARDLESS OF WHETHER SUCH SUDDEN CARDIAC ARREST OCCURRED OUTSIDE OF SCHOOL. SUCH TRAINING MAY BE COMPLETED BY MEANS OF COURSES OF INSTRUCTION, INCLUDING BUT NOT LIMITED TO, COURSES PROVIDED ONLINE AND BY TELECONFERENCE APPROVED BY THE DEPARTMENT;

(II) PROVIDING THAT THE DEPARTMENT AND THE DEPARTMENT OF HEALTH SHALL POST ON THEIR INTERNET WEBSITES INFORMATION RELATING TO SUDDEN CARDIAC ARREST, WHICH SHALL INCLUDE BUT NOT BE LIMITED TO, THE DEFINITION OF A "SUDDEN CARDIAC ARREST," SIGNS AND SYMPTOMS OF SUDDEN CARDIAC ARREST, AND THE GUIDELINES FOR THE RETURN TO SCHOOL AND TO CERTAIN SCHOOL ACTIVITIES AFTER A PUPIL HAS EXHIBITED SIGNS OR SYMPTOMS OF SUDDEN CARDIAC ARREST REGARDLESS OF WHETHER SUCH SUDDEN CARDIAC ARREST OCCURRED OUTSIDE OF SCHOOL. SCHOOLS SHALL BE REQUIRED TO INCLUDE SUCH INFORMATION IN ANY PERMISSION FORM OR PARENT OR PERSON IN PARENTAL RELATION CONSENT FORM OR SIMILAR DOCUMENT THAT MAY BE REQUIRED FOR A PUPIL'S PARTICIPATION IN INTERSCHOLASTIC SPORTS AND SHALL ALSO INCLUDE SUCH INFORMATION, OR REFERENCE HOW TO OBTAIN SUCH INFORMATION FROM THE DEPARTMENT AND THE DEPARTMENT OF HEALTH INTERNET WEBSITES, ON THE SCHOOL'S INTERNET WEBSITE, IF ONE EXISTS;

(III) REQUIRING THE IMMEDIATE REMOVAL FROM ATHLETIC ACTIVITIES OF ANY PUPIL BELIEVED TO EXHIBIT SIGNS OR SYMPTOMS OF SUDDEN CARDIAC ARREST. IN THE EVENT THAT THERE IS ANY DOUBT AS TO WHETHER A PUPIL HAS EXHIBITED SIGNS OR SYMPTOMS OF SUDDEN CARDIAC ARREST, IT SHALL BE PRESUMED THAT HE OR SHE HAS EXHIBITED SUCH SIGNS OR SYMPTOMS UNTIL PROVEN OTHERWISE. NO SUCH PUPIL SHALL RESUME ATHLETIC ACTIVITY UNTIL HE OR SHE SHALL HAVE BEEN EVALUATED BY AND RECEIVED WRITTEN AND SIGNED AUTHORIZATION FROM A LICENSED PHYSICIAN. SUCH AUTHORIZATION SHALL BE KEPT ON FILE IN THE PUPIL'S PERMANENT HEALTH RECORD. FURTHERMORE, SUCH RULES AND REGULATIONS SHALL PROVIDE GUIDELINES FOR LIMITATIONS AND RESTRICTIONS ON SCHOOL ATTENDANCE AND ACTIVITIES FOR PUPILS WHO HAVE EXHIBITED SIGNS OR SYMPTOMS OF SUDDEN CARDIAC ARREST, CONSISTENT WITH THE DIRECTIVES OF THE PUPIL'S TREATING PHYSICIAN;

(IV) AUTHORIZING EACH SCHOOL OR SCHOOL DISTRICT, IN ITS DISCRETION, TO ESTABLISH A SUDDEN CARDIAC ARREST MANAGEMENT TEAM WHICH MAY BE COMPOSED OF THE ATHLETIC DIRECTOR (IF ANY), A SCHOOL NURSE, THE SCHOOL PHYSICIAN, A COACH OF THE INTERSCHOLASTIC TEAM, AN ATHLETIC TRAINER OR SUCH OTHER APPROPRIATE PERSONNEL AS DESIGNATED BY THE SCHOOL OR SCHOOL DISTRICT. THE SUDDEN CARDIAC ARREST MANAGEMENT TEAM SHALL OVERSEE THE IMPLEMENTATION OF THE RULES AND REGULATIONS PROMULGATED PURSUANT TO THIS SUBDIVISION AS IT PERTAINS TO THEIR ASSOCIATED SCHOOL INCLUDING THE REQUIREMENT THAT ALL SCHOOL COACHES, PHYSICAL EDUCATION TEACHERS, NURSES AND ATHLETIC TRAINERS THAT WORK WITH AND PROVIDE INSTRUCTION TO PUPILS ENGAGED IN SCHOOL SPONSORED ATHLETIC ACTIVITIES COMPLETE TRAINING RELATING TO SUDDEN CARDIAC ARREST. FURTHERMORE, EVERY SUDDEN CARDIAC ARREST MANAGEMENT TEAM MAY ESTABLISH AND IMPLEMENT A PROGRAM WHICH PROVIDES INFORMATION ON SUDDEN CARDIAC ARREST TO PARENTS AND PERSONS IN PARENTAL RELATION THROUGHOUT EACH SCHOOL YEAR.

B. THE RULES AND REGULATIONS ESTABLISHED PURSUANT TO THIS SUBDIVISION SHALL BE DEEMED TO BE THE MINIMUM STANDARDS THAT MUST BE COMPLIED WITH BY EVERY PUBLIC SCHOOL RELATING TO SUDDEN CARDIAC ARREST. SUCH RULES AND REGULATIONS MAY ALSO BE IMPLEMENTED BY NONPUBLIC SCHOOLS IF THEY SO AUTHORIZE. NOTHING IN THIS SUBDIVISION SHALL PROHIBIT ANY PUBLIC SCHOOL OR NONPUBLIC SCHOOL FROM ADOPTING AND IMPLEMENTING MORE STRINGENT STANDARDS.

S 3. Section 206 of the public health law is amended by adding a new subdivision 30 to read as follows:

30. THE COMMISSIONER SHALL ASSIST THE COMMISSIONER OF EDUCATION IN DEVELOPING RULES AND REGULATIONS, RELATING TO PUPILS WHO EXHIBIT SIGNS OR SYMPTOMS OF SUDDEN CARDIAC ARREST, IN ACCORDANCE WITH SUBDIVISION FIFTY-FIVE OF SECTION THREE HUNDRED FIVE OF THE EDUCATION LAW, AND PROVIDE FOR THE POSTING ON THE DEPARTMENT'S INTERNET WEBSITE OF SUCH INFORMATION AS SHALL BE REQUIRED PURSUANT TO SUCH SUBDIVISION.

S 4. This act shall take effect on the first of July next succeeding the date on which it shall have become a law; provided, that, effective immediately, any rules and regulations necessary to implement the provisions of this act on its effective date are authorized and directed to be completed on or before such date.