

4216--A

2015-2016 Regular Sessions

I N A S S E M B L Y

January 29, 2015

Introduced by M. of A. DenDEKKER, JAFFEE, OTIS, ROSENTHAL, PERRY, COLTON, HOOPER, COOK -- Multi-Sponsored by -- M. of A. ARROYO, LUPI-
NACCI, McKEVITT, RAI, RIVERA -- read once and referred to the Commit-
tee on Education -- recommitted to the Committee on Education in
accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill
amended, ordered reprinted as amended and recommitted to said commit-
tee

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "Dominic Murray sudden cardiac arrest prevention act".
3 S 2. Section 305 of the education law is amended by adding a new
4 subdivision 55 to read as follows:
5 55. A. THE COMMISSIONER, IN CONJUNCTION WITH THE COMMISSIONER OF
6 HEALTH, SHALL PROMULGATE AND REVIEW AS NECESSARY RULES AND REGULATIONS
7 RELATING TO PUPILS WHO EXHIBIT SIGNS OR SYMPTOMS OF SUDDEN CARDIAC
8 ARREST WHILE RECEIVING INSTRUCTION OR ENGAGING IN ANY SCHOOL SPONSORED
9 OR RELATED ACTIVITY. IN DEVELOPING SUCH RULES AND REGULATIONS, THE
10 COMMISSIONER SHALL CONSIDER COMMENTS FROM STAKEHOLDERS AND OTHER INTER-
11 ESTED PARTIES INCLUDING BUT NOT LIMITED TO PARENTS, TEACHERS, STUDENTS,
12 SCHOOL ADMINISTRATORS, SCHOOL ATHLETIC TRAINERS, SPORT COACHES, MEDICAL
13 AND HEALTH PROFESSIONALS, THE PUBLIC SCHOOLS ATHLETIC LEAGUE (PSAL), THE
14 NEW YORK STATE PUBLIC HIGH SCHOOL ATHLETIC ASSOCIATION (NYSPHSAA), AND
15 OTHER ATHLETIC ASSOCIATIONS. SUCH REGULATIONS SHALL INCLUDE, BUT NOT BE
16 LIMITED TO:

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

LBD08005-02-6

1 (I) REQUIRING A COURSE OF INSTRUCTION RELATING TO RECOGNIZING PUPILS
2 WHO EXHIBIT SIGNS OR SYMPTOMS OF SUDDEN CARDIAC ARREST AND SEEKING PROP-
3 ER MEDICAL TREATMENT FOR SUCH PUPILS. SUCH COURSE OF INSTRUCTION SHALL
4 BE REQUIRED TO BE COMPLETED ON A BIENNIAL BASIS BY ALL SCHOOL COACHES,
5 PHYSICAL EDUCATION TEACHERS, NURSES AND ATHLETIC TRAINERS. THE COURSE OF
6 INSTRUCTION REQUIRED BY THIS SUBPARAGRAPH SHALL INCLUDE, BUT NOT BE
7 LIMITED TO, THE DEFINITION OF A "SUDDEN CARDIAC ARREST," SIGNS AND SYMP-
8 TOMS OF SUDDEN CARDIAC ARREST, AND THE GUIDELINES FOR THE RETURN TO
9 SCHOOL AND TO CERTAIN SCHOOL ACTIVITIES AFTER A PUPIL HAS EXHIBITED
10 SIGNS OR SYMPTOMS OF SUDDEN CARDIAC ARREST REGARDLESS OF WHETHER SUCH
11 SUDDEN CARDIAC ARREST OCCURRED OUTSIDE OF SCHOOL. SUCH TRAINING MAY BE
12 COMPLETED BY MEANS OF COURSES OF INSTRUCTION, INCLUDING BUT NOT LIMITED
13 TO, COURSES PROVIDED ONLINE AND BY TELECONFERENCE APPROVED BY THE
14 DEPARTMENT;

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

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

42 (IV) AUTHORIZING EACH SCHOOL OR SCHOOL DISTRICT, IN ITS DISCRETION, TO
43 ESTABLISH A SUDDEN CARDIAC ARREST MANAGEMENT TEAM WHICH MAY BE COMPOSED
44 OF THE ATHLETIC DIRECTOR (IF ANY), A SCHOOL NURSE, THE SCHOOL PHYSICIAN,
45 A COACH OF THE INTERSCHOLASTIC TEAM, AN ATHLETIC TRAINER OR SUCH OTHER
46 APPROPRIATE PERSONNEL AS DESIGNATED BY THE SCHOOL OR SCHOOL DISTRICT.
47 THE SUDDEN CARDIAC ARREST MANAGEMENT TEAM SHALL OVERSEE THE IMPLEMENTA-
48 TION OF THE RULES AND REGULATIONS PROMULGATED PURSUANT TO THIS SUBDIVI-
49 SION AS IT PERTAINS TO THEIR ASSOCIATED SCHOOL INCLUDING THE REQUIREMENT
50 THAT ALL SCHOOL COACHES, PHYSICAL EDUCATION TEACHERS, NURSES AND ATHLET-
51 IC TRAINERS THAT WORK WITH AND PROVIDE INSTRUCTION TO PUPILS ENGAGED IN
52 SCHOOL SPONSORED ATHLETIC ACTIVITIES COMPLETE TRAINING RELATING TO
53 SUDDEN CARDIAC ARREST. FURTHERMORE, EVERY SUDDEN CARDIAC ARREST MANAGE-
54 MENT TEAM MAY ESTABLISH AND IMPLEMENT A PROGRAM WHICH PROVIDES INFORMA-
55 TION ON SUDDEN CARDIAC ARREST TO PARENTS AND PERSONS IN PARENTAL
56 RELATION THROUGHOUT EACH SCHOOL YEAR.

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

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

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

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