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

5915

2015-2016 Regular Sessions

I N S E N A T E

June 11, 2015

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

AN ACT to amend the education law, in relation to rescue inhalers

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

Section 1. Subdivision 1 of section 916 of the education law, as amended by chapter 423 of the laws of 2014, is amended to read as follows:

1. The board of education or trustees of each school district and board of cooperative educational services shall allow pupils who have been diagnosed by a physician or other duly authorized health care provider with an asthmatic condition or another respiratory disease to carry and use a prescribed inhaler and self-administer inhaled rescue medications to alleviate respiratory symptoms or to prevent the onset of exercise induced asthmatic symptoms during the school day on school property and at any school function as such terms are defined, respectively, by subdivisions one and two of section eleven of this chapter, with the written permission of a physician or other duly authorized health care provider, and written parental consent. The written permission shall include an attestation by the physician or the health care provider confirming the following: (a) the pupil is diagnosed with asthma or another respiratory disease for which inhaled rescue medications are prescribed to alleviate respiratory symptoms or to prevent the onset of exercise induced asthmatic symptoms; and (b) that the pupil has demonstrated that he or she can self-administer the prescribed inhaled rescue medication effectively. The written permission shall also include the name of the prescribed inhaled rescue medication, the dose, the times when the medication is to be taken, the circumstances which may warrant the use of the medication and the length of time for which the inhaler is prescribed. A record of such consent and permission shall be maintained in the student's cumulative health record. In addition,

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

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upon the written request of a parent or person in parental relation, the board of education or trustees of a school district and board of cooperative educational services shall allow such pupils to maintain an extra such inhaler in the care and custody of a licensed nurse, nurse practitioner, physician assistant, or physician employed by such district or board of cooperative educational services, and shall be readily accessible to such pupil. PROVIDED FURTHER THAT SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES MAY PURCHASE RESCUE INHALERS TO BE MADE AVAILABLE TO STUDENTS IN ACCORDANCE WITH THIS SECTION, IF PURCHASED SUCH ENTITY SHALL ENSURE THAT THE RESCUE INHALER IS MAINTAINED IN GOOD WORKING ORDER. Nothing in this section shall require a school district or board of cooperative educational services to retain a licensed nurse, nurse practitioner, physician assistant, or physician solely for the purpose of taking custody of a spare inhaler for the treatment of asthma or a respiratory disease requiring rescue medication treatment, or require that a licensed nurse, nurse practitioner, physician assistant, or physician be available at all times in a school building for the purpose of taking custody of the inhaler. In addition, the medication provided by the pupil's parents or persons in parental relation shall be made available to the pupil as needed in accordance with the school district's or board of cooperative educational services' policy and the orders prescribed in the written permission of the physician or other authorized health care provider.

S 2. This act shall take effect on the same date and in the same manner as section 1 of chapter 423 of the laws of 2014, takes effect.