STATE OF NEW YORK

5579

2017-2018 Regular Sessions

IN SENATE

April 18, 2017

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

AN ACT to amend the education law, in relation to health services to pupils with adrenal insufficiency

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The education law is amended by adding two new sections 902-c and 916-c to read as follows:

§ 902-c. Treatment of students diagnosed with adrenal insufficiency by school personnel. 1. Licensed nurses, nurse practitioners, physician assistants, or physicians employed by school districts or boards of cooperative educational services are authorized to calculate prescribed hydrocortisone sodium succinate dosages, inject prescribed hydrocortisone sodium succinate, teach an unlicensed person to administer hydrocortisone sodium succinate to an individual, and perform other authorized services pursuant to the scope of practice of the licensed individual under title VIII of this chapter, to pupils who have received written permission by a physician or other licensed health care provider, and written parental consent to carry and use hydrocortisone sodium succinate pursuant to section nine hundred sixteen-c of this article, 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. Nothing in this section shall authorize unlicensed persons to perform these services except as otherwise permitted by section nine hundred twenty-one of this article.

2. A school district, board of cooperative educational services and/or their agents or employees shall incur no legal or financial liability as a result of any harm or injury sustained by a pupil or other person caused by reasonable and good faith compliance with this section.

§ 916-c. Pupils with adrenal insufficiency. 1. The board of education or trustees of each school district and board of cooperative educational

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

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services shall allow pupils who have been diagnosed with adrenal insufficiency to carry and use hydrocortisone sodium succinate through appropriate medication delivery devices and equipment, as prescribed by a physician or other duly authorized health care provider, 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 parental consent and the written permission of a physician or other duly authorized health care provider. The written permission shall include an attestation by the physician or the health care provider confirming the following: (a) the pupil's diagnosis of adrenal insufficiency makes the delivery of hydrocortisone sodium succinate through appropriate medication delivery devices during the school day on school property or at any school function necessary; and (b) that the pupil has demonstrated that he or she can self-administer the prescribed hydrocortisone sodium succinate effectively and can independently follow the treatment orders prescribed by the physician or other authorized health care provider in the written permission. The written permission shall identify prescribed hydrocortisone sodium succinate to be used by the pupil at school and/or during school functions. If hydrocortisone sodium succinate is prescribed, the written permission shall include the dose or dose range and the type of hydrocortisone sodium succinate delivery system and any other information prescribed by the commissioner in regulation, after consultation with the commissioner of health. A record of such consent and permission shall be maintained in the student's cumulative health record. In addition, 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 extra hydrocortisone sodium succinate and a delivery system and related supplies used to treat such pupil's adrenal insufficiency 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. 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 extra hydrocortisone sodium succinate and a delivery system and related supplies used to treat such pupil's adrenal insufficiency, 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 extra hydrocortisone sodium succinate and a delivery system and related supplies. In addition, the medication and devices, equipment and supplies 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.

2. A school district, board of cooperative educational services and/or their agents or employees shall incur no legal or financial liability as a result of any harm or injury sustained by a pupil or other person caused by reasonable and good faith compliance with this section.

§ 2. Subdivision 1 of section 921 of the education law, as added 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 and nonpublic schools are authorized, but not obligated to have licensed registered professional

nurses, nurse practitioners, physician assistants, and physicians train unlicensed school personnel to inject prescribed glucagon**, hydrocortisone sodium succinate** or epinephrine auto injectors in emergency situations, where an appropriately licensed health professional is not available, to pupils who have the written permission of a physician or other duly authorized health care provider for the administration of injectable glucagon**, hydrocortisone sodium succinate** or emergency epinephrine auto injector, along with written parental consent, 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. Training must be provided by a physician or other duly authorized licensed health care professional in a competent manner and must be completed in a form and manner prescribed by the commissioner in regulation.

§ 3. 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, the addition, amendment and/or repeal of any rule or regulation necessary to implement the provisions of this act on its effective date are authorized and directed to be made and completed on or before such date.