

STATE OF NEW YORK

8049

2021-2022 Regular Sessions

IN ASSEMBLY

June 11, 2021

Introduced by M. of A. HUNTER -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to allowing for unlicensed personnel to administer seizure rescue medication

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

1 Section 1. Subdivision 1 of section 921 of the education law, as added
2 by chapter 423 of the laws of 2014, is amended to read as follows:

3 1. The board of education or trustees of each school district and
4 board of cooperative educational services and nonpublic schools are
5 authorized, but not obligated to have licensed registered professional
6 nurses, nurse practitioners, physician assistants, and physicians train
7 unlicensed school personnel to inject prescribed glucagon or epinephrine
8 auto injectors, or administer diazepam or midazolam nasal spray in emer-
9 gency situations, where an appropriately licensed health professional is
10 not available, to pupils who have the written permission of a physician
11 or other duly authorized health care provider for the administration of
12 injectable glucagon ~~[or]~~, emergency epinephrine auto injector, or
13 diazepam or midazolam nasal spray, along with written parental consent,
14 during the school day on school property and at any school function as
15 such terms are defined, respectively, by subdivisions one and two of
16 section eleven of this chapter. Training must be provided by a physician
17 or other duly authorized licensed health care professional in a compe-
18 tent manner and must be completed in a form and manner prescribed by the
19 commissioner in regulation.

20 § 2. The education law is amended by adding two new sections 902-c and
21 916-c to read as follows:

22 § 902-c. Treatment of students diagnosed with epilepsy by school
23 personnel. 1. Licensed nurses, nurse practitioners, physician assist-
24 ants, or physicians employed by school districts or boards of cooper-
25 ative educational services shall be authorized to administer prescribed

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

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1 diazepam or midazolam nasal spray, to teach an unlicensed person to
2 administer a diazepam or midazolam nasal spray to an individual, and to
3 perform other authorized services pursuant to the scope of practice of
4 the licensed individual under title eight of this chapter, to pupils who
5 have received written permission by a physician or other licensed health
6 care provider and written parental consent to carry and use a diazepam
7 or midazolam nasal spray pursuant to section nine hundred sixteen-c of
8 this article during the school day on school property and at any school
9 function. Nothing in this section shall authorize unlicensed persons to
10 perform these services except as otherwise permitted by section nine
11 hundred twenty-one of this article.

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

16 § 916-c. Pupils with epilepsy. 1. The board of education or trustees
17 of each school district and board of cooperative educational services
18 shall allow pupils who have been diagnosed by a physician or other duly
19 authorized health care provider with epilepsy to carry and use a
20 prescribed nasal spray for the emergency treatment of seizures during
21 the school day on school property and at any school function with the
22 written permission of a physician or other duly authorized health care
23 provider, and written parental consent. The written permission shall
24 include an attestation by such physician or health care provider
25 confirming: (a) the pupil's diagnosis of epilepsy for which a diazepam
26 or midazolam nasal spray is needed; and (b) that the pupil has demon-
27 strated that he or she can self-administer the prescribed diazepam or
28 midazolam nasal spray effectively. Such written permission shall also
29 include the circumstances which may warrant the use of a diazepam or
30 midazolam nasal spray. A record of such consent and permission shall be
31 maintained in the student's cumulative health record. In addition, upon
32 the written request of a parent or person in parental relation, the
33 board of education or trustees of a school district and board of coop-
34 erative educational services shall allow such pupils to maintain an
35 extra diazepam or midazolam nasal spray for the emergency treatment of
36 seizures in the care and custody of a licensed nurse, nurse practition-
37 er, physician assistant, or physician employed by such district or board
38 of cooperative educational services, and shall be readily accessible to
39 such pupil. Nothing in this section shall require a school district or
40 board of cooperative educational services to retain a licensed nurse,
41 nurse practitioner, physician assistant, or physician solely for the
42 purpose of taking custody of a spare diazepam or midazolam nasal spray
43 for the emergency treatment of seizures, or require that a licensed
44 nurse, nurse practitioner, physician assistant, or physician be avail-
45 able at all times in a school building for taking custody of the diazep-
46 am or midazolam nasal spray. In addition, the diazepam or midazolam
47 nasal spray provided by the pupil's parents or persons in parental
48 relation will be made available to the pupil as needed in accordance
49 with the school district's or board of cooperative educational services'
50 policy and the orders prescribed in the written permission of the physi-
51 cian or other authorized health care provider.

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

56 § 3. This act shall take effect immediately.