

HOUSE BILL 675

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01r2040
CF 01r1808

By: **Delegate Kerr**

Introduced and read first time: January 29, 2020

Assigned to: Ways and Means and Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Public Schools – Seizure Action Plans**
3 **(Brynleigh Act)**

4 FOR the purpose of requiring each county board of education and authorizing a nonpublic
5 school, beginning in a certain school year, to require a certain number of school
6 employees at the school to be trained in recognizing the signs and symptoms of a
7 seizure, administering first aid, administering seizure medication, and performing
8 certain nerve stimulation; providing that the presence of a registered nurse who is
9 employed full time and assumes certain responsibility shall fulfill the training
10 requirement for a school; requiring a public school to provide annual training to
11 school personnel with direct contact and supervision of students on recognizing the
12 signs and symptoms of a seizure and administering first aid for a seizure; requiring
13 the training program for school personnel to be fully consistent with training
14 programs and guidelines developed by the Epilepsy Foundation of America;
15 requiring the parent or guardian of a student diagnosed with a seizure disorder to
16 collaborate with school personnel to create a seizure action plan; requiring the State
17 Board of Education to adopt regulations establishing procedures for the development
18 and content of a seizure action plan; specifying where a seizure action plan shall be
19 retained and to whom the plan shall be distributed; requiring the parent or guardian
20 of a student diagnosed with a seizure disorder to provide the school with a certain
21 written authorization, a certain written statement from the student's health care
22 practitioner, and the prescribed medication in a certain form; providing that a
23 certain written authorization is effective for a certain school year and may be
24 renewed under certain circumstances; providing for a certain immunity; requiring a
25 public school and authorizing a nonpublic school, beginning in a certain school year,
26 to provide an age-appropriate seizure education program to all students; requiring
27 the seizure education program to be consistent with guidelines published by the
28 Epilepsy Foundation of America; defining a certain term; and generally relating to
29 responding to seizure symptoms and emergencies in schools in the State.

30 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Education
2 Section 7–446
3 Annotated Code of Maryland
4 (2018 Replacement Volume and 2019 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
6 That the Laws of Maryland read as follows:

7 **Article – Education**

8 **7–446.**

9 (A) IN THIS SECTION, “SEIZURE ACTION PLAN” MEANS A WRITTEN
10 INDIVIDUALIZED HEALTH PLAN DESIGNED TO ACKNOWLEDGE AND PREPARE FOR
11 THE HEALTH CARE NEEDS OF A STUDENT DIAGNOSED WITH A SEIZURE DISORDER.

12 (B) (1) BEGINNING IN THE 2021–2022 SCHOOL YEAR, A COUNTY BOARD
13 SHALL REQUIRE, EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
14 TWO SCHOOL EMPLOYEES AT EACH PUBLIC SCHOOL TO BE TRAINED IN:

15 (I) RECOGNIZING THE SIGNS AND SYMPTOMS OF A SEIZURE;

16 (II) APPROPRIATE STEPS FOR ADMINISTERING FIRST AID FOR A
17 SEIZURE; AND

18 (III) ADMINISTERING OR ASSISTING WITH THE
19 SELF-ADMINISTRATION OF A SEIZURE RESCUE MEDICATION, MEDICATION
20 PRESCRIBED TO TREAT SEIZURE DISORDER SYMPTOMS APPROVED BY THE U.S.
21 FOOD AND DRUG ADMINISTRATION, AND MANUAL VAGUS NERVE STIMULATION.

22 (2) THE PRESENCE OF A REGISTERED NURSE WHO IS EMPLOYED IN A
23 SCHOOL FULL TIME AND ASSUMES THE RESPONSIBILITY FOR THE ADMINISTRATION
24 OF A SEIZURE RESCUE MEDICATION, MEDICATION PRESCRIBED TO TREAT SEIZURE
25 DISORDER SYMPTOMS, AND MANUAL VAGUS NERVE STIMULATION SHALL FULFILL
26 THE REQUIREMENTS OF THIS SUBSECTION.

27 (3) EACH PUBLIC SCHOOL SHALL PROVIDE ANNUAL TRAINING TO
28 ADMINISTRATORS, FACULTY, THERAPISTS, GUIDANCE COUNSELORS, CLASSROOM
29 AIDES, BUS DRIVERS, CONTRACTED EMPLOYEES, AND ANY OTHER SCHOOL
30 PERSONNEL WITH DIRECT CONTACT AND SUPERVISION OF STUDENTS ON:

31 (I) RECOGNIZING THE SIGNS AND SYMPTOMS OF A SEIZURE;
32 AND

1 **(II) APPROPRIATE STEPS FOR ADMINISTERING FIRST AID FOR A**
2 **SEIZURE.**

3 **(4) A TRAINING PROGRAM FOR SCHOOL PERSONNEL ON THE HEALTH**
4 **CARE NEEDS OF A STUDENT DIAGNOSED WITH A SEIZURE DISORDER SHALL BE**
5 **FULLY CONSISTENT WITH TRAINING PROGRAMS AND GUIDELINES DEVELOPED BY**
6 **THE EPILEPSY FOUNDATION OF AMERICA.**

7 **(C) (1) BEGINNING IN THE 2021–2022 SCHOOL YEAR, A NONPUBLIC**
8 **SCHOOL MAY REQUIRE, EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
9 **SUBSECTION, TWO SCHOOL EMPLOYEES TO BE TRAINED IN:**

10 **(I) RECOGNIZING THE SIGNS AND SYMPTOMS OF A SEIZURE;**

11 **(II) APPROPRIATE STEPS FOR ADMINISTERING FIRST AID FOR A**
12 **SEIZURE; AND**

13 **(III) ADMINISTERING OR ASSISTING WITH THE**
14 **SELF-ADMINISTRATION OF A SEIZURE RESCUE MEDICATION, MEDICATION**
15 **PRESCRIBED TO TREAT SEIZURE DISORDER SYMPTOMS APPROVED BY THE U.S.**
16 **FOOD AND DRUG ADMINISTRATION, AND MANUAL VAGUS NERVE STIMULATION.**

17 **(2) THE PRESENCE OF A REGISTERED NURSE WHO IS EMPLOYED IN A**
18 **SCHOOL FULL TIME AND ASSUMES THE RESPONSIBILITY FOR THE ADMINISTRATION**
19 **OF A SEIZURE RESCUE MEDICATION, MEDICATION PRESCRIBED TO TREAT SEIZURE**
20 **DISORDER SYMPTOMS, AND MANUAL VAGUS NERVE STIMULATION MAY FULFILL THE**
21 **REQUIREMENTS OF THIS SUBSECTION.**

22 **(D) (1) THE PARENT OR GUARDIAN OF A STUDENT DIAGNOSED WITH A**
23 **SEIZURE DISORDER SHALL COLLABORATE WITH SCHOOL PERSONNEL TO CREATE A**
24 **SEIZURE ACTION PLAN.**

25 **(2) THE STATE BOARD SHALL ADOPT REGULATIONS ESTABLISHING**
26 **PROCEDURES FOR THE DEVELOPMENT AND CONTENT OF A SEIZURE ACTION PLAN.**

27 **(3) A COPY OF A SEIZURE ACTION PLAN SHALL BE:**

28 **(I) RETAINED IN THE OFFICE OF THE SCHOOL NURSE OR AN**
29 **ADMINISTRATOR; AND**

30 **(II) DISTRIBUTED TO ANY SCHOOL PERSONNEL OR VOLUNTEER**
31 **RESPONSIBLE FOR THE SUPERVISION OR CARE OF A STUDENT DIAGNOSED WITH A**
32 **SEIZURE DISORDER.**

1 **(E) (1) THE PARENT OR GUARDIAN OF A STUDENT DIAGNOSED WITH A**
2 **SEIZURE DISORDER SHALL PROVIDE THE SCHOOL WITH:**

3 **(I) A WRITTEN AUTHORIZATION FOR A TRAINED SCHOOL**
4 **EMPLOYEE TO ADMINISTER OR ASSIST WITH ADMINISTERING SEIZURE MEDICATION**
5 **AT SCHOOL;**

6 **(II) THE PRESCRIBED MEDICATION IN AN UNOPENED, SEALED**
7 **PACKAGE WITH THE LABEL AFFIXED BY THE DISPENSING PHARMACY INTACT; AND**

8 **(III) A WRITTEN STATEMENT FROM THE STUDENT'S HEALTH**
9 **CARE PRACTITIONER THAT INCLUDES THE:**

10 **1. STUDENT'S NAME;**

11 **2. NAME AND PURPOSE OF THE MEDICATION;**

12 **3. PRESCRIBED DOSAGE;**

13 **4. ROUTE OF ADMINISTRATION;**

14 **5. FREQUENCY THAT THE MEDICATION MAY BE**
15 **ADMINISTERED; AND**

16 **6. CIRCUMSTANCES UNDER WHICH THE MEDICATION**
17 **MAY BE ADMINISTERED.**

18 **(2) A WRITTEN AUTHORIZATION FOR THE ADMINISTRATION OF A**
19 **SEIZURE RESCUE MEDICATION OR MEDICATION PRESCRIBED TO TREAT SEIZURE**
20 **DISORDER SYMPTOMS SHALL BE:**

21 **(I) EFFECTIVE FOR THE SCHOOL YEAR IN WHICH IT IS**
22 **SUBMITTED; AND**

23 **(II) RENEWED EACH SCHOOL YEAR IF THE REQUIREMENTS OF**
24 **THIS SUBSECTION ARE FULFILLED.**

25 **(F) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, AN EMPLOYEE**
26 **WHO RESPONDS IN GOOD FAITH TO A CHILD EXPERIENCING A SEIZURE OR SEIZURE**
27 **DISORDER SYMPTOMS IN ACCORDANCE WITH THIS SECTION IS IMMUNE FROM CIVIL**
28 **LIABILITY FOR ANY ACT OR OMISSION IN THE COURSE OF RESPONDING TO THE**
29 **SITUATION.**

1 **(G) (1) BEGINNING IN THE 2021–2022 SCHOOL YEAR, A PUBLIC SCHOOL**
2 **SHALL PROVIDE AN AGE–APPROPRIATE SEIZURE EDUCATION PROGRAM ON**
3 **SEIZURES AND SEIZURE DISORDERS TO ALL STUDENTS.**

4 **(2) BEGINNING IN THE 2021–2022 SCHOOL YEAR, A NONPUBLIC**
5 **SCHOOL MAY PROVIDE AN AGE–APPROPRIATE SEIZURE EDUCATION PROGRAM ON**
6 **SEIZURES AND SEIZURE DISORDERS TO ALL STUDENTS.**

7 **(3) A SEIZURE EDUCATION PROGRAM SHALL BE CONSISTENT WITH**
8 **GUIDELINES PUBLISHED BY THE EPILEPSY FOUNDATION OF AMERICA.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
10 1, 2020.