

# HOUSE BILL 622

F1, J1

8lr2383  
CF SB 161

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By: **Delegates Patterson, Ali, Angel, D. Barnes, Branch, Brooks, Carr, Conaway, Cullison, Davis, Fennell, Gaines, Gibson, Glenn, Haynes, Holmes, C. Howard, Jalisi, Jones, J. Lewis, R. Lewis, Morales, Pena–Melnyk, Proctor, Queen, Sample–Hughes, Sydnor, Turner, A. Washington, M. Washington, and Wilkins**

Introduced and read first time: January 29, 2018

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public and Nonpublic Schools – Student Sickle Cell Disease Management**  
3 **Programs**

4 FOR the purpose of requiring the State Department of Education and the Maryland  
5 Department of Health, in collaboration with certain individuals, to establish certain  
6 guidelines for certain employees to utilize in the management of a student's sickle  
7 cell disease while the student is on the premises of a public or nonpublic school  
8 during certain hours and at school–sponsored activities; requiring a county board of  
9 education, on or before a certain date, to establish a policy for public schools within  
10 its jurisdiction to utilize certain guidelines; requiring a county board to require  
11 certain public schools to establish a sickle cell disease management program in the  
12 schools; requiring a nonpublic school, on or before a certain date, to utilize certain  
13 guidelines to establish a certain sickle cell disease management program in the  
14 school; specifying the purpose and requirements of a sickle cell disease management  
15 program; authorizing certain employees to volunteer in a certain program;  
16 prohibiting a school from compelling certain employees to participate in a certain  
17 program; requiring a parent or a guardian of a certain student who receives sickle  
18 cell disease care at a school to submit a certain sickle cell disease school management  
19 plan to the school; requiring a public school to conduct a sickle cell disease school  
20 management plan review meeting within a certain time frame; authorizing a certain  
21 student to perform certain tasks under certain circumstances; providing that the  
22 provision of certain sickle cell disease care services by certain employees may not be  
23 construed as the performance of certain acts of practical nursing or registered  
24 nursing; granting certain immunity to certain employees for certain acts or  
25 omissions in the course of providing certain health care services, except under  
26 certain circumstances; defining certain terms; and generally relating to the  
27 establishment of student sickle cell disease management programs in public and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 nonpublic schools.

2 BY adding to

3 Article – Education

4 Section 7–441

5 Annotated Code of Maryland

6 (2014 Replacement Volume and 2017 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

8 That the Laws of Maryland read as follows:

9 **Article – Education**

10 **7–441.**

11 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
12 **INDICATED.**

13 **(2) “EMPLOYEE” MEANS AN INDIVIDUAL WHO IS EMPLOYED BY A**  
14 **COUNTY BOARD, INCLUDING PART–TIME EMPLOYEES, CERTIFIED AND**  
15 **NONCERTIFIED SUBSTITUTE TEACHERS EMPLOYED BY THE COUNTY BOARD FOR AT**  
16 **LEAST 7 DAYS EACH SCHOOL YEAR, AND ADMINISTRATIVE STAFF.**

17 **(3) “PROGRAM” MEANS A STUDENT SICKLE CELL DISEASE**  
18 **MANAGEMENT PROGRAM.**

19 **(4) “SCHOOL–SPONSORED ACTIVITIES” INCLUDES FIELD TRIPS AND**  
20 **EXTRACURRICULAR ACTIVITIES.**

21 **(5) “SICKLE CELL DISEASE SCHOOL MANAGEMENT PLAN” MEANS A**  
22 **PLAN DEVELOPED BY A STUDENT’S PHYSICIAN THAT DESCRIBES THE HEALTH CARE**  
23 **SERVICES NEEDED BY THE STUDENT FOR THE MANAGEMENT OF THE STUDENT’S**  
24 **SICKLE CELL DISEASE AT SCHOOL.**

25 **(6) “TRAINED SICKLE CELL DISEASE MANAGEMENT EMPLOYEE”**  
26 **MEANS AN EMPLOYEE TRAINED IN THE RECOGNITION OF THE SYMPTOMS OF SICKLE**  
27 **CELL DISEASE.**

28 **(B) (1) THE DEPARTMENT AND THE MARYLAND DEPARTMENT OF**  
29 **HEALTH SHALL DEVELOP GUIDELINES FOR EMPLOYEES TO UTILIZE IN THE**  
30 **MANAGEMENT OF A STUDENT’S SICKLE CELL DISEASE WHILE THE STUDENT IS ON**  
31 **THE PREMISES OF A PUBLIC OR NONPUBLIC SCHOOL DURING SCHOOL HOURS AND**  
32 **AT SCHOOL–SPONSORED ACTIVITIES, IN COLLABORATION WITH THE FOLLOWING**  
33 **INDIVIDUALS WHO HAVE EXPERTISE, SPECIAL SKILL, OR KNOWLEDGE DERIVED**

1 FROM TRAINING OR EXPERIENCE IN THE CARE AND MANAGEMENT OF SICKLE CELL  
2 DISEASE:

3 (I) TWO PEDIATRIC HEMATOLOGISTS WITH SPECIFIC  
4 TRAINING AND PRACTICE IN SICKLE CELL DISEASE;

5 (II) A PARENT OF A PUBLIC SCHOOL STUDENT WITH SICKLE  
6 CELL DISEASE;

7 (III) A PARENT OF A NONPUBLIC SCHOOL STUDENT WITH SICKLE  
8 CELL DISEASE;

9 (IV) A PUBLIC SCHOOL STUDENT WITH SICKLE CELL DISEASE;

10 (V) A NONPUBLIC SCHOOL STUDENT WITH SICKLE CELL  
11 DISEASE;

12 (VI) A SCHOOL NURSE EMPLOYED BY A COUNTY BOARD;

13 (VII) A SCHOOL NURSE EMPLOYED BY A NONPUBLIC SCHOOL;

14 (VIII) A REPRESENTATIVE OF A PUBLIC SCHOOL SYSTEM; AND

15 (IX) A REPRESENTATIVE OF NONPUBLIC SCHOOLS.

16 (2) THE GUIDELINES SHALL INCLUDE INSTRUCTION ON:

17 (I) APPROPRIATE ACTIONS TO TAKE WHEN A STUDENT'S  
18 SICKLE CELL DISEASE SYMPTOMS ARE AT EMERGENCY ALERT LEVELS AS DETAILED  
19 IN THE STUDENT'S SICKLE CELL DISEASE SCHOOL MANAGEMENT PLAN; AND

20 (II) METHODS TO COMMUNICATE WITH THE PARENT OR  
21 GUARDIAN OF THE STUDENT, A PHYSICIAN, AND EMERGENCY PERSONNEL.

22 (C) ON OR BEFORE JULY 1, 2019, A COUNTY BOARD SHALL ESTABLISH A  
23 POLICY FOR PUBLIC SCHOOLS WITHIN ITS JURISDICTION TO UTILIZE THE  
24 GUIDELINES ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION IN THE  
25 MANAGEMENT OF A STUDENT'S SICKLE CELL DISEASE WHILE THE STUDENT IS ON  
26 THE PREMISES OF A PUBLIC SCHOOL DURING SCHOOL HOURS AND AT  
27 SCHOOL-SPONSORED ACTIVITIES.

28 (D) (1) A COUNTY BOARD SHALL REQUIRE EACH PUBLIC SCHOOL IN THE  
29 LOCAL SCHOOL SYSTEM TO ESTABLISH A STUDENT SICKLE CELL DISEASE

1 MANAGEMENT PROGRAM IN THE SCHOOL.

2 (2) ON OR BEFORE JULY 1, 2019, EACH NONPUBLIC SCHOOL SHALL  
3 UTILIZE THE GUIDELINES ESTABLISHED IN SUBSECTION (B) OF THIS SECTION TO  
4 ESTABLISH A STUDENT SICKLE CELL DISEASE MANAGEMENT PROGRAM IN THE  
5 SCHOOL.

6 (3) THE PURPOSE OF THE SICKLE CELL DISEASE SCHOOL  
7 MANAGEMENT PROGRAM IS TO HAVE EMPLOYEES AVAILABLE TO TAKE  
8 APPROPRIATE ACTION AS DESCRIBED IN THE STUDENT'S SICKLE CELL DISEASE  
9 SCHOOL MANAGEMENT PLAN WHILE THE STUDENT IS ON THE PREMISES OF A  
10 PUBLIC OR A NONPUBLIC SCHOOL DURING SCHOOL HOURS AND AT  
11 SCHOOL-SPONSORED ACTIVITIES.

12 (E) (1) THE PROGRAM SHALL:

13 (I) PROVIDE TRAINING FOR EMPLOYEES TO BECOME  
14 KNOWLEDGEABLE IN SICKLE CELL DISEASE EMERGENCY CARE PROCEDURES  
15 BEFORE THE START OF A SCHOOL YEAR OR WHEN REQUIRED BY THE ENROLLMENT  
16 IN THE SCHOOL OF A STUDENT WITH SICKLE CELL DISEASE;

17 (II) REQUIRE A TRAINED SICKLE CELL DISEASE MANAGEMENT  
18 EMPLOYEE TO BE ON-SITE AND AVAILABLE TO PROVIDE SICKLE CELL DISEASE CARE  
19 SERVICES TO A STUDENT WITH A SICKLE CELL DISEASE SCHOOL MANAGEMENT PLAN  
20 DURING SCHOOL HOURS AND, IF POSSIBLE, AT SCHOOL-SPONSORED ACTIVITIES;

21 (III) REQUIRE SCHOOL EMPLOYEES TO DISCUSS, WITH THE  
22 STUDENT AND THE PARENT OR GUARDIAN OF THE STUDENT, APPROPRIATE  
23 ACCOMMODATIONS FOR A STUDENT WITH SICKLE CELL DISEASE;

24 (IV) ESTABLISH A SYSTEM OF COMMUNICATION BETWEEN  
25 SCHOOL ADMINISTRATORS AND THE SCHOOL FACULTY, A SCHOOL NURSE, A  
26 TRAINED SICKLE CELL DISEASE MANAGEMENT EMPLOYEE, A PARENT OR GUARDIAN  
27 OF A STUDENT WITH A SICKLE CELL DISEASE SCHOOL MANAGEMENT PLAN, AND A  
28 STUDENT WITH A SICKLE CELL DISEASE SCHOOL MANAGEMENT PLAN;

29 (V) FACILITATE THE ACCESS OF AN AUTHORIZED SCHOOL  
30 EMPLOYEE TO STUDENT SICKLE CELL DISEASE SCHOOL MANAGEMENT PLANS; AND

31 (VI) ESTABLISH PROCEDURES FOR THE RESPONSE TO AND  
32 MANAGEMENT OF SICKLE CELL DISEASE-RELATED EMERGENCIES.

33 (2) (I) ANY EMPLOYEE MAY VOLUNTEER TO PARTICIPATE IN THE

1 PROGRAM AND BE TRAINED TO BECOME A TRAINED SICKLE CELL DISEASE  
2 MANAGEMENT EMPLOYEE.

3 (II) A PUBLIC OR NONPUBLIC SCHOOL MAY NOT COMPEL ANY  
4 EMPLOYEE TO PARTICIPATE IN THE PROGRAM.

5 (3) A TRAINED SICKLE CELL DISEASE MANAGEMENT EMPLOYEE WHO  
6 PARTICIPATES IN THE PROGRAM SHALL AGREE TO MONITOR SICKLE CELL DISEASE  
7 SYMPTOMS, INCLUDING:

8 (I) COMPLAINTS OF PAIN, INCLUDING CHEST PAIN;

9 (II) COMPLAINTS OF DIFFICULTY BREATHING;

10 (III) FEVER (101 DEGREES FAHRENHEIT/38 DEGREES CELSIUS  
11 OR GREATER);

12 (IV) JAUNDICE OR PALENESS;

13 (V) EXTREME FATIGUE;

14 (VI) SWELLING OF HANDS AND FEET;

15 (VII) SEVERE HEADACHES;

16 (VIII) SEIZURES; AND

17 (IX) OTHER NEUROLOGIC SYMPTOMS, INCLUDING SUDDEN  
18 VISION CHANGES, SLURRED SPEECH, WEAKNESS OR INABILITY TO MOVE ANY PART  
19 OF THE BODY, OR LOSS OF CONSCIOUSNESS.

20 (F) (1) THE PARENT OR GUARDIAN OF A STUDENT WITH SICKLE CELL  
21 DISEASE WHO RECEIVES SICKLE CELL DISEASE CARE AT SCHOOL SHALL SUBMIT A  
22 SICKLE CELL DISEASE SCHOOL MANAGEMENT PLAN TO THE SCHOOL.

23 (2) EACH STUDENT'S SICKLE CELL DISEASE SCHOOL MANAGEMENT  
24 PLAN SHALL BE REVIEWED IN A MEETING OF THE FOLLOWING INDIVIDUALS:

25 (I) A PARENT OR GUARDIAN OF THE STUDENT;

26 (II) A PARENT ADVOCATE, IF REQUESTED BY THE PARENT OR  
27 GUARDIAN;

1 (III) THE STUDENT;

2 (IV) THE SCHOOL NURSE;

3 (V) THE STUDENT'S CLASSROOM TEACHER;

4 (VI) EACH TRAINED SICKLE CELL DISEASE MANAGEMENT  
5 EMPLOYEE AT THE SCHOOL WHO MAY BE REQUIRED TO PROVIDE CARE TO THE  
6 STUDENT; AND

7 (VII) ANY OTHER INDIVIDUALS DETERMINED TO BE NECESSARY  
8 BY THE SCHOOL.

9 (3) A SICKLE CELL DISEASE SCHOOL MANAGEMENT PLAN REVIEW  
10 MEETING SHALL BE HELD WITHIN 30 DAYS AFTER THE DATE THE SICKLE CELL  
11 DISEASE SCHOOL MANAGEMENT PLAN IS SUBMITTED TO THE SCHOOL.

12 (4) IF A STUDENT'S SICKLE CELL DISEASE SCHOOL MANAGEMENT  
13 PLAN STATES THAT THE STUDENT MAY PERFORM SPECIFIED SICKLE CELL DISEASE  
14 CARE TASKS INDEPENDENTLY, THE STUDENT MAY INDEPENDENTLY PERFORM THE  
15 SPECIFIED TASKS.

16 (G) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PROVISION OF  
17 SICKLE CELL DISEASE CARE SERVICES BY A TRAINED SICKLE CELL DISEASE  
18 MANAGEMENT EMPLOYEE IN ACCORDANCE WITH THIS SECTION MAY NOT BE  
19 CONSTRUED AS PERFORMING ACTS OF PRACTICAL NURSING OR REGISTERED  
20 NURSING UNDER TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE.

21 (H) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, AN EMPLOYEE  
22 WHO RESPONDS IN GOOD FAITH TO PROVIDE HEALTH CARE SERVICES TO A STUDENT  
23 AS PROVIDED IN THE STUDENT'S SICKLE CELL DISEASE SCHOOL MANAGEMENT PLAN  
24 IN ACCORDANCE WITH THIS SECTION MAY NOT BE HELD PERSONALLY LIABLE FOR  
25 ANY ACT OR OMISSION IN THE COURSE OF PROVIDING THE HEALTH CARE SERVICES.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
27 1, 2018.