

SENATE BILL 161

F1, J1

8lr1508

By: **Senators Nathan–Pulliam, Benson, Conway, Guzzone, Kelley, Madaleno, McFadden, Robinson, Rosapepe, and Young**

Introduced and read first time: January 15, 2018

Assigned to: Education, Health, and Environmental Affairs

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
28 nonpublic schools.

29 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Education
2 Section 7–441
3 Annotated Code of Maryland
4 (2014 Replacement Volume and 2017 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 **7–441.**

9 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
10 INDICATED.

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

15 (3) “PROGRAM” MEANS A STUDENT SICKLE CELL DISEASE
16 MANAGEMENT PROGRAM.

17 (4) “SCHOOL-SPONSORED ACTIVITIES” INCLUDES FIELD TRIPS AND
18 EXTRACURRICULAR ACTIVITIES.

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

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

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

1 **(I) TWO PEDIATRIC HEMATOLOGISTS WITH SPECIFIC**
2 **TRAINING AND PRACTICE IN SICKLE CELL DISEASE;**

3 **(II) A PARENT OF A PUBLIC SCHOOL STUDENT WITH SICKLE**
4 **CELL DISEASE;**

5 **(III) A PARENT OF A NONPUBLIC SCHOOL STUDENT WITH SICKLE**
6 **CELL DISEASE;**

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

8 **(V) A NONPUBLIC SCHOOL STUDENT WITH SICKLE CELL**
9 **DISEASE;**

10 **(VI) A SCHOOL NURSE EMPLOYED BY A COUNTY BOARD;**

11 **(VII) A SCHOOL NURSE EMPLOYED BY A NONPUBLIC SCHOOL;**

12 **(VIII) A REPRESENTATIVE OF A PUBLIC SCHOOL SYSTEM; AND**

13 **(IX) A REPRESENTATIVE OF NONPUBLIC SCHOOLS.**

14 **(2) THE GUIDELINES SHALL INCLUDE INSTRUCTION ON:**

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

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

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

26 **(D) (1) A COUNTY BOARD SHALL REQUIRE EACH PUBLIC SCHOOL IN THE**
27 **LOCAL SCHOOL SYSTEM TO ESTABLISH A STUDENT SICKLE CELL DISEASE**
28 **MANAGEMENT PROGRAM IN THE SCHOOL.**

29 **(2) ON OR BEFORE JULY 1, 2019, EACH NONPUBLIC SCHOOL SHALL**

1 UTILIZE THE GUIDELINES ESTABLISHED IN SUBSECTION (B) OF THIS SECTION TO
2 ESTABLISH A STUDENT SICKLE CELL DISEASE MANAGEMENT PROGRAM IN THE
3 SCHOOL.

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

10 (E) (1) THE PROGRAM SHALL:

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

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

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

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

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

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

31 (2) (I) ANY EMPLOYEE MAY VOLUNTEER TO PARTICIPATE IN THE
32 PROGRAM AND BE TRAINED TO BECOME A TRAINED SICKLE CELL DISEASE
33 MANAGEMENT EMPLOYEE.

1 **(II) A PUBLIC OR NONPUBLIC SCHOOL MAY NOT COMPEL ANY**
2 **EMPLOYEE TO PARTICIPATE IN THE PROGRAM.**

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

6 **(I) COMPLAINTS OF PAIN, INCLUDING CHEST PAIN;**

7 **(II) COMPLAINTS OF DIFFICULTY BREATHING;**

8 **(III) FEVER (101 DEGREES FAHRENHEIT/38 DEGREES CELSIUS**
9 **OR GREATER);**

10 **(IV) JAUNDICE OR PALENESS;**

11 **(V) EXTREME FATIGUE;**

12 **(VI) SWELLING OF HANDS AND FEET;**

13 **(VII) SEVERE HEADACHES;**

14 **(VIII) SEIZURES; AND**

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

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

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

23 **(I) A PARENT OR GUARDIAN OF THE STUDENT;**

24 **(II) A PARENT ADVOCATE, IF REQUESTED BY THE PARENT OR**
25 **GUARDIAN;**

26 **(III) THE STUDENT;**

27 **(IV) THE SCHOOL NURSE;**

1 **(V) THE STUDENT'S CLASSROOM TEACHER;**

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

5 **(VII) ANY OTHER INDIVIDUALS DETERMINED TO BE NECESSARY**
6 **BY THE SCHOOL.**

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

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

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

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

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
25 1, 2018.